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18th Judicial District of Kansas



For Immediate Release
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District Attorney Marc Bennett has completed the review of the use of deadly force that resulted in the death of Devario Edwards. The incident occurred on January 23, 2025, at approximately 11:26 p.m. at 3801 S. Oliver, Lot T, Wichita Ks, the address of Spirit Aerosystems.

SCOPE OF REPORT

This report details the findings and conclusions limited specifically to criminal liability of the officers employed by the Wichita Police Department who shot Mr. Edwards on January 23, 2025. This comprehensive legal review has included law enforcement reports, video and audio records, witness interviews, ballistics and forensic findings, scene diagrams, the medical examiner's autopsy report, Kansas state statutes, and federal constitutional law.

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 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 January 23, 2025, at 9:08 p.m. Officers with the Wichita Police Department (WPD) were notified by dispatch that a man had called 911 to report that his daughter was in a relationship with Mr. Edwards. The calling party reported that his door had just been kicked in by Mr. Edwards. The man told dispatch that Mr. Edwards entered the residence in the 5000 block of East Mainsgate and pointed an “AR-style” gun at him and pulled the trigger. According to the calling party, the gun jammed and Mr. Edwards ran out the door.

Notably, this was the 6th case that had been generated by the WPD involving Mr. Edwards since January 11, 2025, 12 days prior to the fatal shooting.

The first case was generated on January 11, 2025 at 9:42 p.m. when Mr. Edwards contacted 911 to report his girlfriend had taken his car without his permission. Officers responded and had extended contact with Mr. Edwards. He admitted that his girlfriend did have permission to drive the car, he told officers he had been feeling suicidal and had recently lost his job at Spirit (subsequent investigation confirmed he was ultimately terminated from Spirit on January 17, 2025). As a result, the Integrated Care Team (ICT) was contacted. ICT is a multi-disciplinary team of a mental health professional, a law enforcement officer and a paramedic. The team spoke to Mr. Edwards about depression and spent time with both Mr. Edwards and Mr. Edwards’ girlfriend. Mr. Edwards acknowledged to team members that he had a gambling problem and had not paid his mortgage in 3 months.

The second case was generated on January 22, 2025, the day before the fatal shooting. Officers were dispatched to a domestic violence call at 10:08 p.m., involving Mr. Edwards and his girlfriend, Witness 1, during which she reported having been struck by Mr. Edwards and rendered unconscious during a dispute. Mr. Edwards was not on scene when officers responded. A Domestic violence (DV) “pickup” was issued for Mr. Edwards, which directed any officer who made contact with Mr. Edwards to take him into custody for domestic violence battery.

The third case was generated on January 22, 2025, at 11:36 p.m., when Mr. Edwards’ girlfriend reported Mr. Edwards posted nude photos of her online as a form of intimidation.

The fourth case was generated on January 23, 2025 at 7:21 a.m., the morning of the fatal shooting,

by a friend of Mr. Edwards' girlfriend. The friend reported having received threatening messages from Mr. Edwards on Facebook.

The fifth case was generated on January 23, 2025 at 8:39 a.m., the day of the fatal shooting, when officers were dispatched to a disturbance between Mr. Edwards and his girlfriend's father. Responding officers were aware of the DV pickup issued the night before. Officers located Mr. Edwards in the area and booked him into the Sedgwick County Adult Detention Facility on misdemeanor domestic battery.

The sixth and final case was generated on January 23, 2025 the day of the fatal shooting, at 9:08 p.m., as a "burglary in progress" when Mr. Edwards (who had bonded out of the Sedgwick County jail at 1:35 p.m. that day) arrived at the home of his girlfriend's father, forced his way in and pointed the weapon at the man.

The girlfriend's father told officers that Mr. Edwards arrived at the home, kicked in the front door, and pointed an AR-style gun at him and pulled the trigger. The man said the gun jammed and Mr. Edwards ran out the door and ultimately left in a black Jeep Grand Cherokee. The man provided the tag number to officers. Officers found damage to the door consistent with forced entry.

Mr. Edwards' girlfriend and her father told responding officers that Mr. Edwards was now on Facebook Live threatening to commit suicide. An officer with the WPD was able to access the Facebook live video and heard Mr. Edwards making statements that he did not want to live and that he intended to get into a vehicle chase and then have a shootout with officers. Officers monitoring the live feed saw what appeared to be an AK-47 style firearm in Mr. Edward's vehicle.

On the live feed, Mr. Edwards said he was going to Spirit Aerosystems where he had recently been fired. Officers gathered information and attempted to locate Mr. Edwards.

At 11:12 p.m. 911 dispatch broadcast the following:

"ALL UNITS BE ON THE LOOKOUT FOR . . . DEVARIO EDWARDS, B/M, BORN [dob] 260 LBS IN A BLK 2001 JEEP CHEROKEE [tag number] THREATENING SIG 4 [suicide] BY LEO ON FACEBOOK LIVE WILL BE ARMED***LAST SAID HE WAS ENROUTE TO SPRIT (RECENTLY FIRED FROM THERE)."

At 11:13 p.m., a WPD officer advised over the radio that Mr. Edwards was wanted for Aggravated Burglary and Aggravated Assault (from the incident on Mainsgate).

Several officers from the WPD and Sedgwick County Sheriff's Office (SCSO) responded to the area of Spirit Aerosystems at 3801 S. Oliver, Wichita, KS.

At 11:17 pm Mr. Edwards's vehicle was seen on a FLOCK (license plate reader) camera near Technology Drive south of MacArthur Street. At 11:19 p.m., a SCSO Deputy observed the black Grand Cherokee near MacArthur and Oliver. The deputy attempted to stop the vehicle utilizing lights and siren on the deputy's marked patrol car. Mr. Edwards did not stop and a short chase ensued with several marked WPD and SCSO vehicles following Mr. Edwards.

At 11:25 p.m., Mr. Edwards drove into Lot T at Spirit Aerosystems. Three SCSO vehicles and six WPD vehicles followed Mr. Edwards into the lot. Mr. Edwards began driving in circles in the parking lot before driving to the southwest. Mr. Edwards exited the vehicle with a 7.62 x 39 caliber semi-auto firearm which he held up in the air. Mr. Edwards' vehicle was still in drive and continued to move forward unoccupied.

Mr. Edwards aimed his firearm at SCSO deputies who were parked close to one another in the lot. Mr. Edwards fired multiple rounds at the deputies. SCSO deputies and WPD officers fired their weapons at Mr. Edwards in response. At 11:26 p.m., Officers notified dispatch of shots fired. At 11:27 officers requested EMS/Fire responded to the area.

At 11:28 p.m., officers advised dispatch that Mr. Edwards was down and requested a "bunker" (bullet proof shield) to approach Mr. Edwards. Officers approached Mr. Edwards and secured his firearm.

At 11:30 a.m., officers requested EMS to move in to assist. Officers began life saving measures. Mr. Edwards was transported by EMS to Wesley hospital where he was pronounced deceased at 12:14 a.m.

INVESTIGATION

Wichita Police Department Officers and Sedgwick County Sheriff's Deputies were removed from the area and subsequently interviewed. The Kansas Bureau of Investigation investigated.

LAW ENFORCEMENT OFFICER STATEMENTS

SGSO Deputy 1 - was a four-year veteran of the department at the time of the incident, assigned to patrol. The deputy was interviewed by two Special Agents with the KBI. Deputy 1 was wearing an official duty uniform and operating a patrol car equipped with lights and siren and Sheriff logo on the vehicle.

Deputy 1 was on patrol and heard what he called a BOLO (Be On The Lookout) for an individual involved in an incident earlier in Wichita. The suspect was wanted, was known to be driving a Jeep Cherokee, was armed and believed to be suicidal by cop.

Deputy 1 heard radio traffic that the Jeep had been located on a FLOCK camera near MacArthur and Hydraulic and then again around Spirit AeroSystems. Deputy 1 observed the vehicle on K-15 from MacArthur. The deputy radioed for permission from a supervisor to stop the vehicle which was approved. Deputy 1 activated the emergency equipment to stop the vehicle which was now eastbound on 31st Street. The Jeep failed to stop and a short pursuit ensued. The suspect Jeep drove into a parking lot at Spirit AeroSystems.

Deputy 1 said the vehicle made a couple of circles in the parking lot. The deputy could see the driver was a black male (later identified as Devario Edwards) with the driver's window halfway down. Deputy 1 saw that Mr. Edwards had a firearm which looked to the deputy like an automatic rifle. The vehicle slowed in the southwest part of the parking lot. Mr. Edwards exited the driver's seat with the firearm up in the air. The deputy gave verbal commands to Mr. Edwards to drop the gun. The deputy said Mr. Edwards lowered the firearm and began firing towards Deputy 1.

Deputy 1 said “. . . and at that moment I was in unbelievable fear for my life, along with the safety of other deputies and officers who were on scene.”

Deputy 1 responded by discharging his department-issued firearm (pistol) at Mr. Edwards. The deputy could hear rounds from Mr. Edwards hitting his patrol vehicle's door and windshield. Deputy 1 moved to the rear of the patrol vehicle. Mr. Edwards' vehicle appeared to continue rolling after the suspect exited and began firing. Deputy 1 continued firing at Mr. Edwards until Mr. Edwards fell to the ground. Officers moved forward toward Mr. Edwards and Deputy 1 saw the suspect's firearm on the ground.

Deputy 1 assisted in attempting to provide life-saving measures to Mr. Edwards. Deputy 1 believed using force against Mr. Edwards "...was the only way to stop that threat of hurting myself and/or others or potentially ending my life or others." Deputy 1 believed he fired around seven rounds at the suspect.

It was ultimately determined from a count of Deputy 1's weapon and magazines, crime scene evidence, and axon video that Deputy 1 fired 9 rounds.

SGSO Sergeant 1 was a Sergeant with the Sedgwick County Sheriff's Office and a nineteen-year veteran of the department, working as a supervisor on third shift at the time of the incident. The Sergeant was interviewed by two Special Agents with the KBI. SGSO Sergeant 1 was wearing an official duty uniform and operating a patrol SUV equipped with lights and siren and Sheriff logo on the vehicle.

SGSO Sergeant 1 heard Deputy 1 say over the radio that he had located a vehicle involved in a BOLO earlier. The vehicle was in the area of either 47th or MacArthur and K-15. SGSO Sergeant 1 was not aware of the earlier BOLO broadcast but learned there was a Burglary or home invasion and Aggravated Assault that occurred earlier involving a suspect in this vehicle. SGSO Sergeant 1 heard something on the radio about the person in the vehicle being suicidal.

SGSO Sergeant 1 said Deputy 1 attempted to stop the vehicle and a pursuit ensued. SGSO Sergeant 1 went to the area to deploy spikes but was unable to get to a location to deploy them in time. SGSO Sergeant 1 caught up with the pursuit and the vehicle turned into a parking lot at Spirit AeroSystems. The vehicle started driving in circles in the parking lot and then went directly to the southwest area of the parking lot. The vehicle slowed and Mr. Edwards exited the vehicle from the driver's seat and left the driver's door open. The car continued across the lot. Mr. Edwards then began firing a firearm at the officers.

SGSO Sergeant 1 stopped to the left of Deputy 1's vehicle. SGSO Sergeant 1 said when he exited his patrol vehicle "...I could see he was shooting at us." SGSO Sergeant 1 said "I could see rounds hitting the parking lot in front of us." SGSO Sergeant 1 said "And with him shooting at a parking lot full of cops, I, I didn't figure there was any way that somebody wasn't gonna get shot or killed."

SGSO Sergeant 1 fired his department issued pistol at Mr. Edwards. Mr. Edwards was moving on foot while continuing to fire at the officers. At one point Mr. Edwards appeared to be hit by gunfire and fell to the ground. SGSO Sergeant 1 believed he fired approximately ten rounds during the incident.

SGSO Sergeant 1 said there was a lull in the shooting and then Mr. Edwards began firing again from the ground. SGSO Sergeant 1 saw a WPD officer run closer to Mr. Edwards in the parking lot. Officers moved forward with a bunker and K-9 towards the suspect. SGSO Sergeant 1 said an AK-style semi-auto gun was laying on the ground close to Mr. Edwards and SGSO Sergeant 1 moved the weapon away from Mr. Edwards. Officers began to administer first aid and life saving measures.

It was determined from a count of SGSO Sergeant 1's weapon and magazines, crime scene evidence, and axon video, that he fired 14 rounds. A review of the axon body camera reveals that SGSO Sergeant 1 fired 12 times, reloaded and shot twice more.

One bullet/fragment from the body at autopsy matched the Glock 17 assigned to SGSO Sergeant 1. One bullet/fragment from Mr. Edwards clothing matched the Glock 17 assigned to SGSO Sergeant 1.

SGSO Sergeant 2 was a Sergeant with the Sedgwick County Sheriff's Office and a twelve-year veteran of the department, working as a third-shift supervisor at the time of the incident. SGSO Sergeant 2 was interviewed by two Special Agents with the KBI. SGSO Sergeant 2 was wearing an official duty uniform and operating a patrol truck equipped with lights and siren and Sheriff logo on the vehicle.

SGSO Sergeant 2 heard the call regarding a suicidal subject armed with an AK-47 rifle headed to Spirit AeroSystems. The sergeant responded to the area to assist other deputies that were checking the area for the armed individual. SGSO Sergeant 2 heard radio traffic that the vehicle was spotted by WPD Officer 1 around K-15 and MacArthur.

SGSO Sergeant 2 gave authorization to SGSO Deputy 1 to stop the vehicle. SGSO Deputy 1 attempted to stop the suspect vehicle, which fled in response.

SGSO Sergeant 2 was behind several police cars on 31st Street South attempting to catch up with the suspect vehicle. The suspect, Mr. Edwards, refused to stop and eventually ended up at Spirit AeroSystems in a parking lot where the suspect began driving in circles. SGSO Sergeant 2 could see the driver of the vehicle was a black male and that the driver's side window was partially rolled down. SGSO Sergeant 2 knew the individual was also on Facebook live and officers monitoring the Facebook live feed said the suspect had a firearm with him.

Mr. Edwards drove to the southwest part of the parking lot and he exited the vehicle with a rifle. Mr. Edwards began shooting in the direction of SGSO Sergeant 1, SGSO Sergeant 2 and SGSO Deputy 1, whose vehicles were parked in close proximity to one another. SGSO Sergeant 2 believed five or six shots were fired by Mr. Edwards at that point. SGSO Sergeant 2 exited his vehicle and "saw one bright flash towards my direction and several towards the other two." SGSO Sergeant 2 observed SGSO Deputy 1 run and dive behind his patrol vehicle for cover. SGSO Sergeant 2 said "I mean the guy was shooting at the officers. . . . I was scared that I was gonna get shot." SGSO Sergeant 2 returned fire with a department issued rifle. SGSO Sergeant 2 believed he fired three times. SGSO Sergeant 2 quit firing when the suspect fell to the ground.

SGSO Sergeant 2 located a bullet hole in the A-pillar of the patrol vehicle. The officer said a cross member appeared to have stopped the bullet which appeared to have been traveling in a direction that would have gone through the door and struck him. SGSO Sergeant 2 said officers approached the suspect with a bunker, secured Mr. Edwards and began life saving measures. SGSO Sergeant 2 viewed Mr. Edwards' firearm on the ground which appeared to be a Draco style AK-47 with a pistol grip.

It was determined from a countdown of SGSO Sergeant 2's weapon and magazines, crime scene evidence, and axon video that SGSO Sergeant 2 fired 3 rounds.

Two bullets/fragments from the body at autopsy matched the firearm assigned to SGSO Sergeant 2.

WPD Officer 1 was an officer with the Wichita Police Department, and a five-year veteran of the department assigned to patrol third shift at the time of the incident. WPD Officer 1 had one year of prior law enforcement experience before joining the WPD. WPD Officer 1 was interviewed by

two Special Agents with the KBI. WPD Officer 1 was wearing an official duty uniform and operating a patrol vehicle equipped with lights and siren and Police logo on the vehicle.

WPD Officer 1 heard a BOLO for an armed suspect in a black Jeep who wanted to get into a confrontation with police. According to radio traffic, the suspect was on Facebook live which was being viewed by other officers. The suspect was believed to be going to the area of Spirit AeroSystems because he had been fired from there.

WPD Officer 1 heard the vehicle had passed a license plate reader in the area of Spirit AeroSystems. The officer heard on the radio that the suspect was wanted for felony charges related to an earlier burglary.

WPD Officer 1 saw the vehicle going north on K-15 and joined in a pursuit. The officer said several patrol vehicles were involved in the pursuit so the officer turned around and went back to the area of Spirit AeroSystems. WPD Officer 1 observed the vehicle followed by other patrol cars go into a parking lot at Spirit AeroSystems. WPD Officer 1 heard radio traffic from officers who were watching the live stream, who advised the driver had a gun in his hands. The suspect vehicle started to slow and WPD Officer 1 reported that he was in fear the suspect was going to start shooting through the passenger window of the suspect vehicle.

The suspect, Mr. Edwards, slowed his vehicle and appeared to be stopping in the parking lot. WPD Officer 1 told investigators that as soon as he stepped out of his patrol vehicle, gunfire erupted. It sounded like a rifle being fired and several gunshots. WPD Officer 1 moved to an area by another patrol vehicle where other officers were engaged in an exchange of gun fire with Mr. Edwards. WPD Officer 1 said "I could see the suspect, 'punched out.' And I could see large muzzle flashes coming from his weapon." The officer said it appeared Mr. Edwards was firing towards sheriff deputies who were to WPD Officer 1's left. The officer moved behind another police vehicle where two officers were already engaged in gunfire with Mr. Edwards. WPD Officer 1 could see Mr. Edwards was still firing at officers: "And that's when I felt like I had no other . . . no other choice but to fire my weapon to defend myself as well as other officers." WPD Officer 1 believed "...one of them was gonna be hurt or killed." WPD Officer 1 said he fired at Mr. Edwards with his duty issued pistol. When Mr. Edwards fell to the ground, the officer stopped firing.

WPD Officer 1 said another officer moved up towards Mr. Edwards where he lay on the ground but was still moving around. Mr. Edwards then appeared to start to set up using his left hand to brace himself and his right hand appeared to be still on the firearm. The officer heard someone say “drop the gun.” WPD Officer 1 fired two or three more rounds for fear of the suspect shooting the officer that had moved in closer. Mr. Edwards fell back down to the ground. The officer believed he fired approximately 15 rounds.

WPD Officer 1 described Mr. Edwards’ weapon as a Draco-style AK-47 rifle. Other officers approached Mr. Edwards with a bunker and administered life-saving measures.

It was determined from a countdown of WPD Officer 1’s weapon and magazines, crime scene evidence, and axon video that he fired 14 rounds.

Three bullets/fragments collected from the body of Mr. Edwards at the autopsy were matched to the Glock 47 assigned to WPD Officer 1.

WPD Officer 2 was an officer with the Wichita Police Department and a four-year veteran of the department, assigned to patrol fourth shift at the time of the incident. The officer was interviewed by two Special Agents with the KBI. WPD Officer 2 was wearing an official duty uniform and riding in a patrol vehicle equipped with lights and siren and Police logo on the vehicle. WPD Officer 2 was in a two-officer unit with WPD Officer 4.

WPD Officer 2 heard radio traffic regarding an individual on Facebook live stating his intent to shoot it out with cops. According to the radio traffic, the suspect was wanted for aggravated burglary and aggravated assault and was wanting to commit suicide by cop. The available information was that the individual was headed toward Spirit AeroSystems in a black Jeep Cherokee. Officers moved into the area in response. WPD Officer 2 said he was near 31st and Oliver when a sheriff’s deputy initiated pursuit of the suspect vehicle. A short pursuit ensued as the vehicle traveled K-15 to a parking lot off of K-15 near Spirit Aerosystems.

WPD Officer 2 observed Mr. Edwards’ vehicle driving in circles in the parking lot, then south in the parking lot. WPD Officer 2 said he was on the north side of the parking lot. WPD Officer 2 said Mr. Edwards exited the vehicle with a rifle in his hand. He said Mr. Edwards “...began firing at, . . . the sheriff officers. And at this point, we believe he was trying to kill one of us.” WPD

Officer 2 could see the muzzle flash from Mr. Edwards' firearm. WPD Officer 2 fired back at Mr. Edwards with the officer's duty issued pistol to, in his words, "...stop the threat." WPD Officer 2 observed Mr. Edwards go to the ground. In response, the officer moved closer, believing he needed to render aid. WPD Officer 2 observed Mr. Edwards reach for the rifle while on the ground. WPD Officer 2 believed Mr. Edwards was going to continue to fire at him. WPD Officer 2 fired at Mr. Edwards "...until the threat stopped." WPD Officer 2 heard his partner yelling to get back to cover, so he returned to the patrol vehicle. Other officers approached Mr. Edwards with a bunker and began rendering aid.

WPD Officer 2 described Mr. Edwards firearm as an AK-47 style pistol referred to as a "Draco." WPD Officer 2 estimated he fired thirty-five rounds.

It was determined from a countdown of Officer 5's weapon and magazines, crime scene evidence, and axon video that WPD Officer 2 fired 35 rounds.

Five bullets/fragments recovered from the autopsy matched the Glock 17 assigned to WPD Officer 2. One bullet/fragment from Mr. Edwards clothing matched the Glock 17 assigned to WPD Officer 2.

WPD Officer 3 was an officer with the Wichita Police Department, and a four-year veteran of the department assigned to patrol third shift at the time of the incident. The officer was interviewed by two Special Agents with the KBI. WPD Officer 3 was wearing an official duty uniform and riding in a patrol vehicle equipped with lights and siren. WPD Officer 3 was in a two-officer unit with WPD Officer 5.

The night of the incident, WPD Officer 3 heard the same radio traffic described by WPD Officer 2 regarding a suspect in a burglary, on Facebook live headed toward Spirit AeroSystems.

WPD Officer 3 learned the suspect's Jeep Cherokee was on Technology Drive. Other officers then located the suspect vehicle on MacArthur Road. A sheriff's deputy began to chase the vehicle. The suspect eventually drove into a parking lot at Spirit AeroSystems.

WPD Officer 3 said the suspect vehicle drove in circles in the parking lot and then moved across the lot. When the vehicle finally stopped, the suspect, Mr. Edwards, exited the vehicle.

WPD Officer 3 said, “Next thing I know, he turns, and I can see a long gun, rifle of some kind, . . .” He said, “I opened the door and next thing I see is a huge muzzle flash and a bang, and he’s shooting towards the sheriff deputies falling in behind him.” The officer said, “...fearing for my safety, their safety, I had to stop that threat. He was opening, firing on commissioned officers.” WPD Officer 3 fired towards Mr. Edwards with the officer’s duty issued pistol. Mr. Edwards fell to the ground. WPD Officer 3 saw another officer approaching the suspect who was still lying on the ground. The officer could see the suspect continuing to move. Fearing for the officer who was moving forward with no cover, WPD Officer 3 fired two more rounds at Mr. Edwards.

WPD Officer 3 said sheriff deputies and at least one WPD officer then approached Mr. Edwards utilizing a bunker. The deputies began doing life saving measures on the suspect. WPD Officer 3 believed he fired approximately 20 rounds.

It was determined from a countdown of WPD Officer 3’s weapon and magazines, crime scene evidence, and axon video that WPD Officer 3 fired 20 rounds.

WPD Officer 4 was an officer with the Wichita Police Department, and a three-year veteran of the department, assigned to patrol fourth shift at the time of the incident. The officer was interviewed by two Special Agents with the KBI. WPD Officer 4 was wearing an official duty uniform and operating a patrol vehicle equipped with lights and siren. WPD Officer 4 was in a two-officer unit with WPD Officer 2.

WPD Officer 4 heard the broadcast concerning an armed suspect reported to be dangerous and suicidal. This suspect was on Facebook live driving, talking about his desire to commit “suicide by cop.” WPD Officer 4 contacted another officer who advised the person on Facebook live had gone to someone’s house earlier and kicked in their door and pointed a firearm at the third party. The officer was aware the person could be arrested for felony charges for burglary and aggravated assault for the earlier incident.

WPD Officer 4 heard the suspect was going toward Spirit AeroSystems, so the officer went to the area. Another officer located the vehicle around 31st and Oliver and a traffic pursuit ensued. WPD Officer 4 joined the pursuit of the suspect vehicle. WPD Officer 4 explained that the suspect, Mr. Edwards, drove to a parking lot at Spirit AeroSystems where he began doing “donuts.” He then

went westbound in the lot. When Mr. Edwards' vehicle came to a stop, the officer only had a view of the passenger side of the vehicle. Mr. Edwards exited the vehicle without putting the vehicle in park, which continued to roll across the parking lot.

WPD Officer 4 could see Mr. Edwards had a "Draco" or AK-47 style pistol in his hand. WPD Officer 4 saw Mr. Edwards level the gun at sheriff deputies and begin to fire. WPD Officer 4 said he was in fear for the deputy's safety and began firing his own duty-issued pistol at Mr. Edwards in response. During the ongoing exchange of gunfire, Mr. Edwards dropped to the ground, also dropping his firearm.

Mr. Edwards continued to move around on the ground. Another officer, WPD Officer WPD Officer 2 began to move towards Mr. Edwards. WPD Officer 4 was in fear for Officer 2 and believed Mr. Edwards could still fire more rounds from his weapon. When WPD Officer 4 saw Mr. Edwards reach for his firearm, WPD Officer 4 fired another round at Mr. Edwards. Other officers then approached Mr. Edwards utilizing a bunker. WPD Officer 4 believed he shot between nine and ten rounds.

WPD Officer 4 described the gun used by Mr. Edwards as a shortened rifle, which he recognized as either an AR or AK-47 style pistol called a "Draco." WPD Officer 4 said when Mr. Edwards began firing at the Sheriff's Deputy, "I was worried one of them was gonna get hit or killed." The officer said he was also concerned about Spirit employees or someone from the public being injured or killed by Mr. Edwards. WPD Officer 4 said "I was worried he could have turned the rifle on us and fire rounds at us and possibly killed one of us."

It was determined from a countdown of WPD Officer 4's firearm and magazines, crime scene evidence, and axon video that WPD Officer 4 fired 15 rounds.

WPD Officer 5 was a K-9 officer with the Wichita Police Department, and a nine-year veteran assigned to third shift at the time of the incident. The officer was interviewed by two Special Agents with the KBI. WPD Officer 5 was wearing an official duty uniform and operating an unmarked patrol vehicle equipped with lights and siren. WPD Officer 5 was in a two-officer unit with WPD Officer 3.

WPD Officer 5 heard radio traffic concerning a person that police were looking for who was on Facebook live headed to Spirit AeroSystems. The vehicle was seen on camera on Technology Drive. Other officers spotted the vehicle which traveled east on MacArthur toward Oliver at a high rate of speed. A sheriff's deputy got behind the vehicle and a pursuit ensued. WPD Officer 5 followed the pursuit into a parking lot at Spirit. The suspect vehicle did some circles in the parking lot and then drove to the left of the officer.

WPD Officer 5 observed the suspect, Mr. Edwards, exit the vehicle with a rifle in his hand. WPD Officer 5 was bringing his patrol vehicle to a stop and said, "As I looked up while moving the shifter to park, I saw the suspect start firing his rifle in the direction of the sheriff's deputies." The officer saw the muzzle flash from the rifle. WPD Officer 5 said "I was immediately placed in fear for the deputy's lives and my life as well . . . worried that the suspect would start shooting at me next." WPD Officer 5 fired at Mr. Edwards with the officer's duty issued pistol. Mr. Edwards ultimately fell to the ground. WPD Officer 5 saw another officer moving towards Mr. Edwards who was still moving. He then heard another volley of gunfire.

WPD Officer 5 put a ballistic vest on his K-9 and a 50-foot lead. WPD Officer 5 moved up toward Mr. Edwards with other officers utilizing a bunker. WPD Officer 5 observed a firearm on the ground next to Mr. Edwards. The firearm was secured by officers. WPD Officer 5 described the gun as an AK-47 style rifle. Officers began life-saving measures. WPD Officer 5 estimated he fired fourteen to fifteen rounds.

It was determined from a countdown of WPD Officer 5's weapon and magazines, crime scene evidence, and axon video that WPD Officer 5 fired 14 rounds.

CIVILIAN WITNESSES

Witness 1 was a family member of Mr. Edwards. She told investigators Mr. Edwards was suicidal the night before this incident. She said he had been distraught about the death of his child, the relationship with his girlfriend, and the recent termination of his employment at Spirit.

Witness 2 was also a family member of Mr. Edwards. She told police she was aware Mr. Edwards had been on Facebook Live prior to getting into a shooting with the police. She said several family members were monitoring the live feed. She said Mr. Edwards was upset about

his relationship with what he called his “wife.” He was also upset that he had recently lost his job at Spirit. She said he was at her residence hiding from the police when he was arrested on 1/23/25. She told police that she picked Mr. Edwards up after he was released from jail and Mr. Edwards said he was going to kill himself or someone else. Witness 2 said she knew that Mr. Edwards had threatened his girlfriend’s father.

Witness 2 said that Mr. Edwards had said that his (Mr. Edwards’) life was over. Mr. Edwards left her house and she later saw him on Facebook live with what she called a “machine gun.” She could see the police behind him while watching the live feed. She said he was not in the right state of mind and was not well mentally.

Witness 2 told investigators that prior to going on Facebook live he called everyone in the house and said he loved everyone but that he was going to kill himself. She said while he was on Facebook live he said he was going to get into a shootout with law enforcement or whatever he needed to do to die. He said he intended to let the police kill him.

CRIME SCENE INVESTIGATION

Crime Scene Investigators processed the scene of the shooting. Investigators located the following items of evidence:

1. Mr. Edwards’ firearm recovered from Spirit AeroSystems parking lot. Pioneer Arms Corporation, Hellpup, 7.62 x 39 caliber, semi-automatic pistol.

KBI examined the suspect’s firearm at the scene and discovered a live cartridge was jammed during the feeding process. 5 rounds were left in the firearm.

Text messages recovered from Mr. Edwards’ phones indicate he likely purchased the firearm from a private individual the day of the incident.

2. Twenty-three (23) fired 7.62 x 39 cartridge casings were recovered by Mr. Edwards’ in the parking lot.

Eleven bullets/fragments were found in Devario Edwards’ body during the autopsy. The following were matched to officer’s firearms:

1. One bullet/fragment matched the Glock 17 assigned to SGC0 Sgt 1.
2. Three bullets/fragments matched the Glock 47 assigned to WPD Officer 1.
3. Five bullets/fragments matched the Glock 17 assigned to WPD Officer 2.
4. Two bullets/fragments matched the Bushmaster assigned to SGC0 Sgt 2.

Two bullets/fragments were found in Devario Edwards' clothing. The bullets/fragments matched the following firearms:

1. One bullet/fragment matched the Glock 17 assigned to SGC0 Sgt 1.
2. One bullet/fragment matched the Glock 17 assigned to WPD Officer 2



Figure 1 The AK-47 styled weapon fired by Mr. Edwards

FORENSIC EVIDENCE & AUTOPSY RESULTS

Autopsy:

An autopsy was performed on the body of Devario Edwards at the Sedgwick County Regional Forensic Science Center by Dr. Timothy Gorrill. The coroner determined that the cause of death was “multiple gunshot wounds” and the manner of death was homicide. The autopsy describes each gunshot wound, 12 of which are described as “entrance” wounds. No alcohol or drugs were detected by the toxicology exam.

The following evidence was collected from the body of Mr. Edwards during the autopsy:

- Projectile in the area of the lower left neck
- Projectile in the area of the upper left chest.
- Projectile in the area of the medial right lower abdomen.
- Projectile in the area of the lateral left hip.
- Projectile in the area of the left side of the sacrum.
- Two projectiles in the area of the right sacrum.
- Projectile to the right of the pubic symphysis.
- Projectile in the left knee.
- Minute fragments of projectile in the mid right tibia.
- Projectile in the distal right leg.

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. (2021 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 (2021 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. (2021 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. (2021 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.2d 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.2d, 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 23, 2025, law enforcement officers employed by the Wichita Police Department and the Sedgwick County Sheriff’s Office utilized deadly force against Devario Edwards after Mr. Edwards exited his vehicle and began firing an AK-47 styled Hellpup semi-automatic weapon at officers, following a brief vehicle pursuit. Subsequent examination of the scene by investigators located 23 casings fired by Mr. Edwards and 124 fired by the 8 officers.

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 any 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. Edwards was upset with the status of his relationship with her girlfriend, the death of a child and his child and the recent termination of his employment. His behavior had grown increasingly erratic, including engaging in actions that led to six law enforcement cases being generated in the twelve days leading up to his fatal shooting. He told family members he intended to end his life and intended to do so by letting police shoot him. Up to and during the pursuit of his vehicle by law enforcement officers, Mr. Edwards live-streamed video of himself discussing his plans, while in possession of an AK-47 styled weapon. He stopped the vehicle in the parking lot of his former employer, exited his vehicle while the car continued to roll forward and opened fire on responding officers. The officers returned fire, and Mr. Edwards went to the ground, dropping his weapon. At that point, multiple officers saw Mr. Edwards reach for the weapon again while on the ground. In response, at least 3 officers fired again.

Under the totality of the circumstances, there is insufficient evidence to establish that the 8 officers were not acting in self-defense. The officers are immune from prosecution under Kansas law.

Under Kansas law and the facts of the case, I conclude that no criminal charges will be filed in this matter.

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