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**DISTRICT ATTORNEY STATEMENT REGARDING THE OFFICER-INVOLVED DEATH
OF ISAIAH LEWIS**

The following information was learned from the Edmond Police Department's investigation of the death of Isaiah Lewis, additional investigative activity by the Oklahoma County District Attorney's Office and information provided to the Oklahoma County District Attorney by Isaiah Lewis' family and their attorney:

Isaiah Lewis' girlfriend, K.P., reported that he called her the night before his death, April 28, 2019. He seemed upset and told her that he needed to tell her something, but couldn't tell her over the phone. K.P. said that Isaiah told her that he was in an argument with his father and brother. She said Isaiah was upset and didn't seem like himself during the phone call. K.P. said he seemed paranoid about something. Isaiah would not tell K.P. what seemed so urgent to him or why he couldn't tell her what it was on the phone. After making plans to see each other the next day, the phone call ended.

Isaiah Lewis' parents, Troy and Vicki, who are no longer married to each other, verified that Isaiah was acting unusual on April 28th. They said that Isaiah would not stop talking and was more hyperactive than usual. Troy and Vicki Lewis reported that there was not any type of argument between Isaiah and any family members, but Troy Lewis did call Vicki to ask her to pick up Isaiah and let him sleep at her house. Vicki Lewis drove to Troy Lewis' house to pick up Isaiah. She said that Isaiah wanted to talk more than usual on the drive home and that evening. Isaiah spent the night at Vicki Lewis' residence that evening. She went to work as normal the next morning, April 29th. Isaiah was asleep when she left the residence.

On April 29th, Lewis received a ride to K.P.'s home [REDACTED]
[REDACTED] When he arrived at her home, Lewis was described as attempting to be happy, but K.P. said she could tell that he was not himself. She said Lewis seemed to be trying to compensate for something by the way he was acting. Lewis began making statements that really didn't make sense to K.P. Lewis began talking about the "Whiteman's burden," but he wouldn't explain what that was. He also was making statements about being watched and tracked by the

government. He took K.P.'s phone from her because he thought something was on it or that the government could access her phone. Lewis then seemed to calm down.

The couple just hung out for a while and decided to go to a restaurant to celebrate K.P.'s recent birthday. Lewis wanted to dress nicer if they were going out. He called or sent his brother a text message and asked him to bring nicer clothes for him to change into. His brother did not bring any clothes. Lewis and K.P. decided to call to have food delivered by a delivery service.

At some point before they ordered the food to be delivered, the couple smoked a substance called "Wax." Wax is a substance with the consistency of soft candle wax, normally a gold or light-brown color. It is a high THC concentrate, with THC levels between 50% to over 80%. K.P. said that after smoking the wax, Isaiah continued to behave unusual for him, but nothing that she was overly concerned about.

A short time after the food was ordered, Lewis became very upset and again told K.P. that he needed to tell her something. Lewis repeated this comment several times, but wouldn't tell her what he needed to tell her. Lewis became more agitated and retrieved a metal cross that belonged to a family member of K.P. He slammed it down on a table in front of her and yelled, "This is what I'm talking about!" Lewis then began accusing K.P. of not loving him. She then began crying and asked what was going on with him. She was able to get her phone away from Lewis and go into the bathroom, locking the door behind her.

K.P. attempted to use her phone to determine if the delivery service was near her home. Lewis kicked the bathroom door open and entered. He grabbed K.P. and wrestled her phone out of her hands. He pushed her against the wall and held her there by leaning into her, with his arm across her chest. K.P. was crying and very upset. Lewis began making a noise that she described as a cry someone would make like they were hurting very badly. The food delivery service person rang the doorbell. K.P. was able to get out of the bathroom and make it to near the front door. Lewis and K.P. were yelling very loudly at each other as K.P. tried to get to the front door. Lewis opened the front door and the delivery lady backed away quickly. Lewis took the food from the delivery lady and returned to the entry area of the house. Lewis handed the food to K.P. and smiled at her, like everything was okay. The delivery lady ran to a neighbor's house and asked that she call 9-1-1, because she believed K.P. was being assaulted.

K.P. said that she tried to talk to the delivery lady and let her know that she was okay. The neighbor called Edmond 9-1-1. Edmond PD records reveal that more than one person called 9-1-1. Dispatch records reveal that at approximately 1304 hours, the Edmond Police Department began receiving 9-1-1 calls reporting some type of disturbance in the 1300 block of Lariat Circle. The callers told EPD dispatchers that a domestic related assault or issue was occurring. Before EPD officers arrived, callers advised that the male person involved in the disturbance was running from the scene and that he was in the process of taking his clothes off.

When Edmond Police Officers arrived, they contacted several people in the 1300 Block of Lariat Circle who had reportedly had some involvement in the incident. As officers were attempting to learn what had occurred, other officers were in the area attempting to locate the male subject who had run away from the scene. The male subject, later identified as Isaiah Mark Lewis, was last seen running in a wooded area off of 2nd Street, west of the scene on Lariat Circle.

As officers responded to the 1300 block Lariat Circle, they received information that Lewis had ‘flipped out’ on his girlfriend, was involved in a dispute with another person and was not acting normally. Isaiah Lewis continued to be observed running through random front and backyards of homes in the Chisholm Lake neighborhood. Numerous officers were able to observe Lewis and ordered him to stop running and talk to them. Lewis either didn’t respond to officers or would yell an expletive at them and continue to elude the officers on foot.

At one point, Sgt. Milo Box, a 25 year law enforcement veteran and Officer Denton Scherman, an officer with less than one year of experience, responded to the area in an attempt to locate Lewis. Scherman was an officer who was in field training subsequent to his graduation from the Edmond Police Academy. Sgt. Box was Scherman’s training officer. Scherman was driving the patrol unit and Box was in the front passenger seat. The patrol unit the officers were traveling in was unmarked. Sgt. Box and Officer Scherman were wearing Edmond Police Department uniforms.

Box and Scherman observed Lewis, naked, in the 500 block of Gray Fox Run. Box told Scherman to use their patrol vehicle to intercept Lewis and cut off his escape from the area. Scherman drove the patrol unit past Lewis as he ran through the front yards of houses in the 500 block of Gray Fox Run. Scherman slowed and maneuvered his vehicle to cut off Lewis. Before the vehicle came to a stop, Box exited the patrol unit and attempted to apprehend Lewis. Box drew his Taser and commanded Lewis to stop.

Lewis noticed Box and he immediately ran toward the front door of 520 Gray Fox Run. Lewis struck the front door of the residence with his shoulder and dislodged the decorative glass panel in the front door. With the glass dislodged, Lewis was able to make entry into the occupied residence through the hole he created in the front door. After observing Lewis make forcible entry to the residence, Sgt. Box determined that he should continue to pursue Lewis inside the residence to protect anyone who may have been inside. Box kicked the glass out of the front door, allowing himself to make entry. The resident heard his front door break. He hid in a back room until the incident was over.

When Box made entry, he saw Lewis attempting to exit the residence through a rear door. With his Taser pointed at Lewis, Box commanded Lewis to stop and put his hands up. Lewis charged Box and Box responded by firing the Taser at Lewis. The Taser probes made good contact with Lewis’ body and the Taser began to cycle. The Taser cycle had no effect and Lewis continued to charge Box. Again, Box fired his Taser at Lewis. The Taser cycled, but resulted in no response from Lewis.

Lewis began to punch Box in the face and head area. Box attempted to “Drive Stun” Lewis with his Taser, but this had no result. Lewis continued to punch Box about the head and face. Sgt. Box reported that he realized that he was losing the ability to fight back and had difficulty standing. Box said he realized that he was about to go unconscious. At that point, Box said he had decided to draw his pistol and shoot Lewis to defend himself and to keep Lewis from obtaining his weapon if he was rendered unconscious. Just as Box reached to unholster his pistol, he was struck in the head by Lewis and knocked to the floor, landing flat on his back. Box reported that he couldn’t move and was unable to stand.

Officer Scherman was delayed in following Box into the residence due to him parking and securing the patrol vehicle. When Scherman made entry, he saw Lewis punching Box and observed Box fall backwards into the living room, out of sight. Scherman yelled at Lewis as Lewis was beginning to assault Box again. Scherman drew his pistol and yelled at Lewis to draw Lewis’ attention from Box to Scherman. Lewis immediately turned toward Scherman. Scherman commanded Lewis to raise his hands and get on the ground. In response, Lewis charged Scherman with his arms swinging. Scherman moved backwards and continued to yell commands to Lewis. Scherman reported that Lewis was attempting to grab his pistol. Scherman pulled his pistol back to near his hip area to keep Lewis from taking it from him. Lewis continued toward Scherman with his arms swinging.

Scherman had backed into the entry area about the time Lewis punched Scherman in the side of the head with his fist. Lewis continued to swing his arms at Scherman. Scherman reported that he saw stars and was concerned that he would be knocked unconscious if he was punched again by Lewis. As Lewis continued toward him, Scherman fired several shots at Lewis and stopped to determine if they had any effect. Lewis stopped briefly and then charged Scherman again with his head down as if he was attempting to tackle Scherman. Scherman fired again. Lewis was knocked to the ground at that point.

Other Edmond officers, who were responding, made it to the front door of the residence at this point. Backing officers entered to assist Scherman and Box. When officers entered, they observed Lewis on the floor, bleeding profusely, but continuing to struggle to get at Officer Scherman. Officers moved Lewis outside to allow medical assistance to be rendered to him. Lewis continued to struggle with officers as they attempted to provide medical aid. The Edmond Fire Department and EMSA paramedics arrived and rendered medical assistance to Lewis. He was transported to the hospital where he was pronounced dead.

Many of the questions about what led to the officer-involved shooting death of Isaiah Lewis are not fully answered by the investigation of the shooting that occurred on April 29, 2019. On that day, something unknown manifested itself in Isaiah Lewis, causing him to behave uncharacteristically paranoid, detached from reality, and violent.

Isaiah Lewis was a young man who was loved by his family and friends. He was about to graduate high school. He seemed to be a normal teenager. Lewis’ parents reported that in the

days leading up to April 29th, the day he died, his behavior was inconsistent with his normal behavior. He was not out of control or violent, but he seemed to be experiencing something unusual for him. He was having trouble sleeping and exhibited hyperactive characteristics. His parents were concerned that he may have been taking some type of drug that was causing the behavioral changes, but there was not anything reported by Lewis' parents that would tend to indicate he ingested any narcotic or hallucinogen that would explain Lewis' behavior.

Lewis' friends did report that he was a regular smoker of marijuana and other cannabis based products. When Lewis was killed, his body was transported to the Oklahoma Medical Examiner's office. An autopsy was performed and samples of his tissue and blood were collected for later examination and tests to be performed. The analysis of Lewis' blood by the Oklahoma Medical Examiner's Office and a Private Laboratory, confirmed the presence of Delta9-Tetrahydrocannabinol (THC), the intoxicating component in marijuana. When quantified, the level of THC in Lewis' blood was not considered to be at a level that concerned medical experts. Nor would the confirmed level of THC in Lewis' blood explain the changes exhibited in Lewis' behavior.

Isaiah Lewis had no reported history of mental health issues. Notwithstanding the absence of any known mental health issues, first-episode psychosis, schizophrenia or some other mental health issue cannot be ruled out.

The purpose of my review of this matter is confined to determining if probable cause exists to prove the law enforcement officers violated the Statutes of the State of Oklahoma, specifically Oklahoma Criminal Law. Lewis' parents filed a law suit in the United States District Court for the Western District of Oklahoma. In that matter, Civil Liability or Fault of any of those who are named as Defendants in the Suit, will be determined. Those issues are not before me, nor is it appropriate for me to comment on matters related to those issues.

As it relates to the actions of the Edmond Police Department Officers, in determining whether criminal liability lies in this matter, I have applied the known facts of the case to Oklahoma Law. Title 21 Section 732 is titled; Justifiable Deadly Force by Officer. That section authorizes a peace officer to use deadly force when the officer is in the performance of their lawful duty or the execution of legal process and reasonably believes deadly force is necessary to protect themselves or others from the infliction of serious bodily harm. Sgt. Milo Box was diagnosed with a concussion and suffered neck and back injuries as a result of the attack by Lewis. Officer Denton Scherman suffered contusions to his head and face as a result of the altercation with Lewis.

Pursuant to that Statute, if a reasonable officer in the position of the officer, who has employed deadly force, would have perceived a threat of serious bodily harm to themselves or another person, the officer is considered to be justified in their use of deadly force. The facts of the deadly force incident are to be deliberated from the position of the shooting officer at the moment they shot; not from the perspective of any other person who may judge the facts with the

benefit of knowing more than the shooting officer knew at the time and not in the heat of the moment.

Applying the laws of the State of Oklahoma to the facts related to the Officer-Involved shooting death of Isaiah Lewis, I do not find probable cause to charge either Sgt. Milo Box or Officer Denton Scherman with a criminal act. I find that Officer Denton Scherman was acting pursuant to Oklahoma Statute when he shot Isaiah Lewis to defend himself and Sgt. Milo Box. As in all matters, if more facts are revealed that justify opening this investigation for reconsideration of charges, I will do so.

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