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Press Release

November 2, 2016

Berrien County Prosecuting Attorney Michael Sepic concludes the July 11 shooting of inmate Larry Gordon was justified and no criminal charges will result

The purpose of this release is to announce the prosecutor's analysis of the cause of death and criminal responsibility in the July 11, 2016 death of Larry Gordon at the Berrien County Courthouse. This release will not address civil law implications.

The materials reviewed were provided by the Berrien County Sheriff's Department and include the following:

- interviews with witnesses to the shooting of Gordon who were on the 3rd floor of the courthouse
- interviews with visitors to the courthouse
- interviews with courthouse employees
- Michigan State Police crime lab scene reports
- Michigan State Police crime lab firearms identification reports
- photographs
- autopsy reports
- Courthouse video
- a letter written by Larry Gordon

Factual Conclusions

Reviewing statements from individuals who had been in courtroom 315 on the third floor of the Berrien County Courthouse; individuals who were in the civil court hallway or civil file room area; and the statement of Deputy James Atterberry, makes it clear Larry Gordon seized Deputy Atterberry's holstered firearm (a six shot .357 revolver), wounded the deputy and then shot and killed bailiff Ronald Kienzle and Chief of Courthouse Security, Joseph Zangaro at the location marked A on the diagram below. Four bullets were accounted for in the general area of "A".

Gordon, appearing in court on July 11 for a misdemeanor domestic violence charge, was awaiting trial at a later date on additional charges stemming from an incident from April 20, 2016, and

facing life in prison or a significant term of years sentence<sup>1</sup>. Statements from inmates, taken after the incident, who were housed in the Berrien County Jail on July 11, 2016, indicated that Gordon said he would not be able to do a lengthy prison sentence and that he inquired about courthouse layouts and exits.

Looking for an avenue of escape, Larry Gordon shot twice at the glass separation window at the civil file room (location "B"), which separates the civil file room clerks from the public, several feet from location "A". Apparently realizing that provided no means of escape, Gordon ran down the civil hallway to the public corridor. The public corridor is an area with elevators, benches and public access to the courtrooms.

Upon entry to the public corridor, Gordon encountered Bailiff 1 who responded to radio calls for assistance from Zangaro minutes before from another location on the 3rd floor. The armed Gordon pushed past Bailiff 1 at the civil hallway entrance door (location "D"), turned and pointed the revolver at Bailiff 1, and then ran through the public corridor where eight courthouse visitors and court staff were present and who were forced by Gordon at gunpoint down a hallway at location "C". Location "C" has a secure glass door Gordon could not open.

Having heard the same calls for assistance as Bailiff 1, Bailiff 2 and Bailiff 3 responded from different locations on the 1st floor and traversed a stairway to the 3rd floor together. Upon entry to the public corridor at location "E", both Bailiff 2 and Bailiff 3 saw Bailiff 1 with his firearm in a firing position aiming towards location "C" and one or both heard him say, "He's got a gun, he's got a gun." They also heard another voice say, "I've got hostages." Bailiff 2 and Bailiff 3 took a position at location "F". Bailiff 2 then entered a courtroom so he could circle around and see what was going on in the hallway at location "C".

Gordon ordered a hostage to break the glass with the base of a metal standing sign which said, "Quiet please, court in session." The sign was swung into the glass several times by the hostage making a loud bang sound which sounded to Bailiff 2 and Bailiff 3 and others like gunshots.

As Bailiff 2 was entering the hallway at Location "C" on the secure side of the secured glass door, Gordon had begun traversing from location "C" to the hallway area of location "G" with a hostage held at gunpoint in front of his body. Two hostages fled to the public corridor while

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<sup>1</sup> Larry Gordon, 44, of Coloma, Michigan, was being sought for an outstanding warrant for domestic violence, a 93 day misdemeanor. That warrant's incident date was January 28, 2016. After several attempts to execute the warrant, on April 20, 2016 Officers from Coloma Township Police Department were looking for Gordon at his residence on Tannery Road in Coloma Township where he lived with his ex-wife. Upon arrival, officers observed a light on in a shed on the property and discovered Gordon to be inside. Gordon barricaded himself inside but escaped through a back access door. Gordon fled and was discovered several streets away with the help of a tracking dog and physically resisted exiting from under a porch. Police then discovered the presence of a 17 year old female in the shed. The investigation revealed the following.

The 17 year old had been held against her will by Gordon for approximately two weeks. He gave her methamphetamine in exchange for sex, forced some penetrations, and assaulted her with weapons, and assault by strangulation. He also video recorded the sexual activity.

As a result, Gordon was charged with:  
five counts of criminal sexual conduct in the first degree, a life maximum; one count of kidnapping, a life maximum; three counts of production of child sexually abusive material, a 20 year maximum;  
possession with intent to deliver methamphetamine, a 20 year maximum; one count of criminal sexual conduct in the 3rd degree, a 15 year maximum; one count of unlawful imprisonment, a 15 year maximum; two counts of assault by strangulation, a 10 year maximum; one count of assault with a dangerous weapon, a 4 year maximum; two counts of resisting and obstructing a police officer, 2 year maximums; and misdemeanor charges of possession of marijuana and malicious destruction of building.  
He was supplemented as a 4th habitual offender making most of the counts life maximums.

three others followed closely behind Gordon and the hostage he was holding in front of his body. Once Gordon moved towards location “G” two other hostages, that were farthest behind Gordon, fled to the public corridor.

Bailiff 1 and Bailiff 3 saw Gordon, with the firearm and the hostages, move from “C” to “G”.

Bailiff 2, upon passing through the secured glass door at “C”, could see Gordon with a gun and the hostages, he saw the gun moving forward in an upward motion, and proceeded to shoot 3 times with his 9 mm semiautomatic, county issued firearm. Gordon continued moving and Bailiff 2 shot 3 more times.

Bailiff 3, after Bailiff 2’s initial volley of three shots, saw that Gordon had moved giving him a clear shot. Bailiff 3 shot five or 6 times with his 9 mm semiautomatic, county issued firearm, along with Bailiff 2’s second volley. Gordon then fell into the shattered glass door at location “G”. As Bailiff 3 approached Gordon, he saw that he was handcuffed in front, face up, still holding the gun up by his upper chest. Bailiff 3 saw movement of Gordon’s hand with the gun and fired one more round in Gordon’s direction.

### Injuries

Deputy Atterberry was hospitalized and treated for non-life threatening injuries.

Gordon had two gunshot wounds to the chest. One wound passed through his left forearm and entered the left side of his chest passing through the heart. The second wound entered the right side of his chest somewhat lower than the first.

The hostage was injured by a bullet fired by Bailiff 2 or Bailiff 3. The hostage was hospitalized and treated for non-life threatening injuries.

### Michigan State Police Lab Firearms Identification Analysis

Firearms identification experts could not distinguish between the recovered fired 9 mm bullets found in location “G” or recovered from Gordon’s autopsy to determine whether they came from Bailiff 2 or Bailiff 3’s firearms.

Fired cartridge cases found in the public corridor area analyzed by firearms identification experts determined Bailiff 2 fired 6 shots and Bailiff 3 fired 7.

Deputy Atterberry’s revolver was found to be empty of bullets. Six bullets were accounted for in locations “A” and “B”.

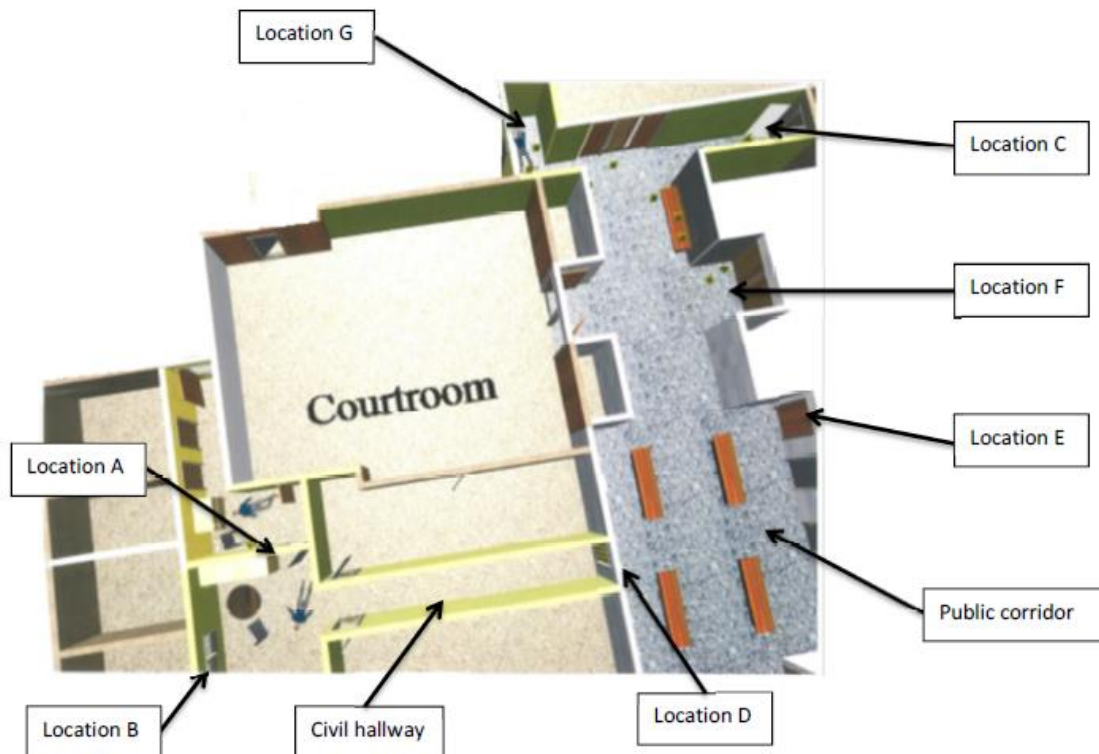
### Analysis

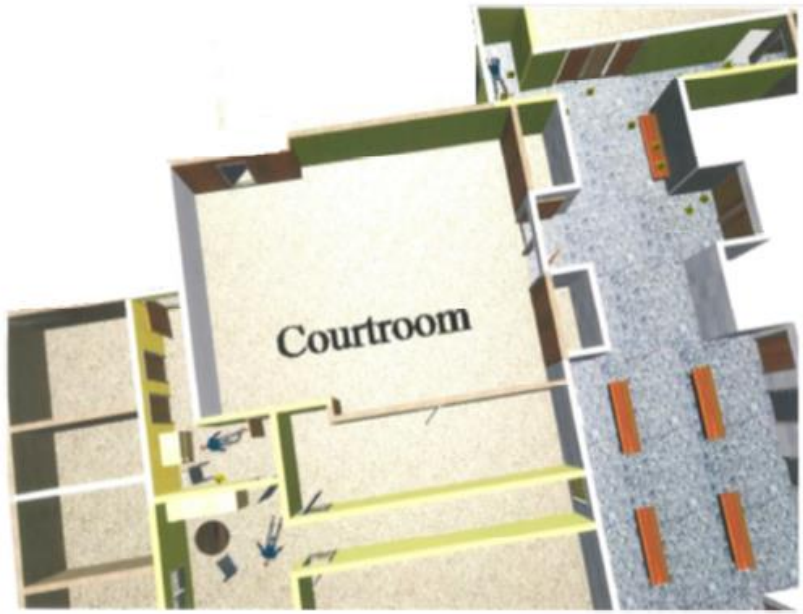
Bailiff 2 and Bailiff 3 would not have known how many times Gordon shot Atterberry’s 6 shot revolver before their entry on the 3rd floor. They actually would not have known how many firearms Gordon may have had either.

Bailiff 2 and Bailiff 3 could see Gordon was in inmate garb, that he had a firearm exposed, that he had hostages and was using them as cover as he moved towards an avenue of escape. In actuality, Gordon had no further rounds in the revolver and had no additional firearms. A police officer has the same justification for using deadly force when a subject 1) presents a danger to themselves, 2) to others; or 3) is a fleeing felon who poses a risk to the public, as do members of the public at large. With the facts noted herein, I find that both Bailiff 2 and Bailiff 3 had each of those justifications mentioned.

While Gordon spoke to inmates about escape, there is no evidence he received encouragement or aid from another or that he conspired with another. The letters written by Gordon below were given to an inmate the morning of July 11 but were not forwarded to any jail personnel or investigators until after the incident. There is no evidence the envelope was opened prior to the shooting. There is no affirmative duty by another to report knowledge of Gordon's talk of escape and therefore there is no criminal responsibility associated with the inmate who possessed this letter on the morning of July 11th or any other inmate.

Many police agencies and first responders answered the requests for assistance on July 11. Those agencies involved in the investigation of the shooting were the Berrien County Sheriff's Department, the Michigan State Police at the Niles post and 5th District Headquarters, detectives from the Benton Harbor Department of Public Safety including the Michigan State Police detectives imbedded in the department, the FBI, Lincoln Township Police Department, Saint Joseph Department of Public Safety and the Benton Township Police Department.





Sorry! Sorry!  
Baby, Sorry! Sorry!  
Sorry! Sorry!  
Sorry! Sorry!

I just wanted to say I'm truly sorry for everything I've ever said or done to you, you gave me everything and loved me no matter what until the very end, now my name, reputation, family and life has all been ruined and taken away. I guess this is what I deserve. I just can't believe that I can't have my girls anymore!!!

Please just always watch over our little girl and never let anything happen to her, and let her know everyday that her Da Da loves her always and forever. I hope that one day you girls will forgive me for messing up our family, and our lives. Just know baby that I did, and still do really love you, I'll probably never see either of you again, but I guess I'll die trying!!!

Baby they want to send me away for the rest of my life, I don't deserve that. That's not living. I'm not going to do it!!!

Sorry! Sorry!  
Sorry! Sorry!  
Sorry! Sorry!  
Sorry! Sorry!

Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry!

Please tell my Mom, Sister and kids that I love them and that I'm sorry. I'm not trying to take my life I'm just trying to get free. Live on the run is better than doing the next 15, the deck is now stacked up against me and I can't see or talk to my Baby Cakes so it makes my choice alot easier. <sup>if I get free!!!</sup>

I'll be in hiding babe and if you ever have a problem just post it on FB, I'll come take care of it like Superman. I'll be on my way. I just hope that it all works out is not I guess b will be carrying me out. <sup>I gotta try!!!</sup>

You didn't deserve alot of what I put you through, and I can't say I'm sorry enough, but I know I don't deserve what your doing to me know love you always No Matter What!!!

Please tell [redacted] one day what [redacted] didn't do any do what other [redacted] lie!!! <sup>its babe</sup>

Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Sorry! Love you always Sorry! Sorry! Sorry! Sorry!



7-11-16

This is no life for me, I just hope you all understand, especially you Baby Cakes I want it to be [redacted] decision when I die to either view and bury, view and urn or whatever she wants, but it's her decision. Im going to really miss you baby cakes. Im not trying to die, and I dont want to, Im just trying to get free and I'll die trying. Remember your the smartest little girl I've ever known, and Im so glad your mine. Just wish I was as smart as you. Love you always and forever

I'll always  
be watching over  
you!!!

My Punky Butt!!!

DaDa

Getting free is  
the only chance at being  
able to see you!!!

Hopefully I make  
it!!!