



OFFICE OF THE DISTRICT ATTORNEY
JACKSON COUNTY, OREGON

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For Immediate Release

Today, the Jackson County Grand Jury met to consider the officer - involved shooting incident regarding Jerry Allan Gunter (DOB 11/8/86). The incident under consideration occurred on July 7, 2021, when one Medford Police Officer fired at and struck Jerry Allan Gunter after Jerry Allan Gunter continued to advance on the Officer armed with a knife. A second Medford Police Officer fired at Jerry Allan Gunter, but did not strike him. This occurred at the Allergy and Asthma Center Clinical Research Institute in Medford.

The Grand Jury was asked to consider whether the involved officer's action was justified as a lawful use of deadly physical force. Oregon law provides that a police officer may use deadly physical force against another person when it is objectively reasonable, under the totality of circumstances known to the peace officer, to believe that the person poses an imminent threat of death or serious physical injury to the peace officer or a third person, and the use of deadly physical force is necessary to defend the peace officer or a third person from the imminent threat of death or serious physical injury (2020 Special Session 2, House Bill 4301, Chapter 3, Section 8).

In deciding this case, the Grand Jury heard testimony from several witnesses to include the two involved officers, other officers at the scene, officers involved in the investigation and the property owner. The Grand Jury also viewed photographs and multiple body cam videos of the incident. Oregon State Police was the lead agency on the case and was assisted by members of the Major Assault and Death Investigation Unit (MADIU). The MADIU team was comprised of detectives from the following: Oregon State Police, Medford Police Department, Central Point Police Department, Ashland Police Department and Jackson County Sheriff's Office.

Officer Levi Moffitt has been with the Medford Police Department for 21 years. Officer Moffitt has also been a firearm instructor for the last 14 years for the Medford Police Department. He is currently assigned as a patrol officer. Prior to employment with the Medford Police Department, Officer Moffitt served in the Army. Officer Walker has been with the Medford Police Department since March 2020. He previously worked as a police officer in Florida for approximately 3 years. He is currently assigned as a patrol officer.

On July 7, 2021, Jerry Allan Gunter used a brick paver to break a window, in order to burglarize the Allergy and Asthma Center. He left his shoes outside the building. During the time that he was inside the building, an audible alarm was sounding. He entered a room to try and disable the alarm; moving some objects in order to gain access to the alarm panel. He was unsuccessful at stopping the alarm. The alarm company notified Medford Police Department. An officer was in the vicinity and responded to the building within 1-2 minutes. As the Officer was checking the building, dispatch informed the officer that the call had been cancelled. Since the Officer was already on scene, he continued to check the building. He located broken glass and reported that to dispatch. Additional units were then dispatched. A number of officers responded so they could surround the large building.

Officer Moffitt was attempting to gain entry at one of the locked doors when inside, Jerry Allan Gunter moved toward the point of entry. Officer Moffitt identified himself as a Medford Police Officer and ordered him to come out. Jerry Allan Gunter then stated he was the police and not Officer Moffitt. Jerry Allan Gunter told Officer Moffitt he was armed with a knife and didn't want to be forced to use his weapon. Approximately 8 minutes later, Jerry Allan Gunter exited the building at a back door with a knife and a large plastic bag. He was wearing a white lab style coat. Officers immediately announced themselves and told him to drop the knife. He turned and went around the building toward the front. A narrow walkway connects the back and front. The walkway is approximately 3-4 feet wide, with the brick building on one side and large bushes on the other. The walkway is made of pavers in bark mulch. On the other side of the large bushes is a gravel parking area.

Officer Moffitt left the front of the building and started down the narrow walkway. The walkway is dark, but Officer Moffitt illuminated it with the weapon light on his pistol. He observed Jerry Allan Gunter with a knife moving toward him. Jerry Allan Gunter made jabbing motions with the knife. At this point they were estimated to be 10-12 feet apart. Officer Moffitt shouted twice for him to get back. At the same time, Officer Moffitt was backing up on the walkway. At the time of the shooting, they were approximately 7 feet apart, with Jerry Allan Gunter holding the knife out in front of him and making jabbing motions. Officer Moffitt fired twice, hitting Jerry Allan Gunter in the chest. Officer Moffitt believed Jerry Allan Gunter was going to kill him. The investigation would reveal that Officer Moffitt had backed up approximately 8 feet and Jerry Allan Gunter advanced approximately 16 feet from where Officer Moffitt first saw him. This occurred very quickly. From the time Officer Moffitt turned on his light till the first shot was fired was 3.6 seconds.

Officer Walker arrived and took a position at the southwest corner of the building for perimeter coverage. He had a rifle. He observed Jerry Allan Gunter exit the building out a back door. He immediately gave commands for him to show his hands. Officer Walker moved to the gravel parking lot on the other side of the large bushes along the walkway. Officer Walker could hear other officers giving commands to drop the knife. Officer Walker observed Jerry Allan Gunter with the knife out in front of him. Officer Walker heard Officer Moffitt give commands to get back. Officer Walker observed that Jerry Allan Gunter was moving quickly and not complying with any verbal commands. Officer Walker feared Officer Moffitt was in imminent threat of death or serious physical injury, so he fired one round at Jerry Allan Gunter. Officer Walker stated that as he pulled the trigger, he heard another shot. Officer Walker's shot did not hit Jerry Allan Gunter.

Further investigation showed that Jerry Allan Gunter had gathered a large quantity of allergy medication inside the building in a large plastic bag. He left that bag near the point of entry where the window had been broken. The bag that Jerry Allan Gunter was carrying when he exited the building contained misc. items from the business. There is no way to positively confirm, but it appears the knife and lab coat were obtained from the business. Dr. Kerwin testified that the items in both bags were the property of the clinic. Dr. Kerwin also testified that he cancelled the alarm call to police when he believed a malfunction might be causing the alarm.

Jackson County Medical Examiner, Dr. Olson, performed an autopsy on July 9, 2021. Deputy Medical Examiner Ben Fazio was present at the autopsy. He testified that the two gunshot wounds struck Jerry Allan Gunter in the chest, the projectiles were recovered and there were no exit wounds.

Oregon State Police Detective Brendan Quirke has previously testified as a use of force expert. He reviewed the reports, statements and body cams to prepare for his testimony. Part of his training and experience is with officer reaction time when dealing with knife encounters. He testified about how quickly a subject can close distance and the damages/injury a knife can inflict. Detective Quirke testified from his viewing of Moffitt's body cam, there was no opportunity for Officer Moffitt, in his opinion, to use non-lethal force.

Our protocols require that a grand jury make the determination as to whether the officer's use of deadly physical force was justified under Oregon Law. The grand jury deliberated for approximately 24 minutes before announcing their decision that the action of the involved officers in this case was fully justified and in compliance with Oregon Law. This case was presented to the Grand Jury by District Attorney Beth Heckert.

Requests for the body camera videos should be made to the Medford Police Department, who is the custodian of that record. There will be a delay of 24-48 hours to allow the family of Jerry Allan Gunter to view the video prior to it being released to the public.

The Grand Jury proceedings in this case were recorded in accordance with ORS 132.260. Pursuant to ORS 132.270, the Jackson County District Attorney's Office will file a motion and request the court authorize the release of the grand jury transcript for public review. If the release is granted, the transcript will be released after review by District Attorney Heckert.

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