Probable Cause Statement

I, Lt. A. T. Lemonds, knowing that false statements on this form are punishable by law, state that the facts contained herein are true:

1. I have probable cause to believe that Steven Randall Julian committed an unlawful homicide on February 14, 2008, when he killed Zachary Charles Snyder, age 23.
2. On that date, shortly after 7:00 p.m., Patrolman Darin Hickey of the Cape Girardeau Police Department responded to a call of a shooting outside an apartment building at 2857 Themis Street in Cape Girardeau, Missouri. When he arrived, he found Zachary Charles Snyder lifeless on the ground, and Steven Randall Julian standing near the body.
3. Steven Randall Julian is a law enforcement officer who works in the Fugitive Apprehension Unit of the Missouri Division of Probation and Parole. His Unit makes arrests of felons on parole for whom arrest warrants have been issued.
4. An autopsy done by Dr. Russell Diediker of Zachary Charles Snyder showed that he was shot one time in the back. The slug went through him, in the area of his heart, and exited his front chest.
5. I interviewed Steven Randall Julian about two hours after the shooting. He admitted that he shot Zachary Charles Snyder in the back, and that it turned out that Snyder was unarmed. He admitted that nothing in the paperwork he had been provided about Zachary Charles Snyder indicated that he would be considered violent. He admitted that the paperwork indicated that the arrest warrant was for a parole violation for offenses of car theft and possession of drugs, rather than any violent crime. He did not take any uniformed officers with him to make the arrest. Rather, he admitted that he approached Zachary Charles Snyder alone, pulled a gun on him immediately, showed him his badge, and told him he was under arrest. He said that Zachary Charles Snyder obeyed his command to turn round and put his hands on the back of a car. He said that he approached Zachary Charles Snyder, with the intention of handcuffing him, but that when Zachary Charles Snyder made a sudden move, a lunging, turning move toward the right, Steven Randall Julian thought he was being "attacked" and shot Snyder in the back. He said he had chosen to use his gun instead of his Tazer because it was night and because he did not have backup physically present. He said the shooting had not been an accident, he had intentionally pulled the trigger, but that he felt he had been acting in self-defense. He admitted seeing no weapon in the hands of Zachary Charles Snyder, but added that he had never gotten a good look at Snyder's left hand. Of course, once Snyder was down, he eventually realized that he had just shot an unarmed man in the back.
6. A Coroner's Inquest was held on the evening of February 26, 2008. A six-person jury heard the testimony of the witnesses and heard the testimony of Steven Randall Julian. After hearing the evidence and after being presented with the Missouri law on self-defense and the law about use of deadly force by a law enforcement officer making an arrest, the jury ruled that the shooting

was neither self-defense nor a lawful use of deadly force by an officer, but was instead a "death by felony."

7. Under standard law enforcement training, a law enforcement officer should use a minimum amount of force necessary in making an arrest. Guidelines in place at most departments, including the Fugitive Apprehension Unit to which Steven Randall Julian belongs, specify that deadly force "will not be used" to make an arrest or to prevent escape unless the officer "reasonably believes" that the use of force is immediately necessary to effect the arrest and the officer also reasonably believes that the person to be arrested is attempting to escape by using a deadly weapon or that the person may otherwise endanger life or inflict serious physical injury unless arrested without delay.
8. The class D felony of involuntary manslaughter in the second degree occurs when a person causes the death of another person by criminal negligence. "Criminal negligence" is defined under Missouri law as follows: "A person acts with criminal negligence when he fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation."

Date: 02/27/2008

A. T. Lemonds