



STATE OF ARKANSAS
Office of the Prosecuting Attorney
Second Judicial District

Scott Ellington
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March 18, 2019

Colonel Bill Bryant
Arkansas State Police
VIA EMAIL: bill.bryant@asp.arkansas.gov

RE: March 7, 2019 Jonesboro Police Department
Officer Involved Shooting

Dear Col. Bryant:

On March 7, 2019, Patrolman Bryan Bailey and Patrolman Christopher Jefferson with the Jonesboro Police Department (JPD), were investigating a suspicious person or persons around a set of apartments located at 2708 Curtview Street in Jonesboro. Officer Bailey witnessed who he believed to be Nichole Herndon walking behind the apartments. Ms. Herndon had reportedly witnessed a homicide on French Street a week before. She had also been reported missing, and it was believed that she may have been forced from the scene of the French Street homicide against her will. Bailey and Jefferson stopped their patrol vehicles, got out, and walked behind the apartments on Curtview to check the welfare status of Ms. Herndon. As Officer Bailey approached a breezeway between apartment buildings, he was immediately confronted by Rodney Fisher, who was wanted for Murder in the 1st Degree and was a suspect in the French Street Homicide. Nichole Herndon was standing behind Mr. Fisher when the officers approached the breezeway. The officers had earlier been advised by department memo circulated within the patrol division that Fisher was armed and dangerous, and Fisher had made threats against law enforcement officers. They were told that Fisher had said that he would not go back to prison because he would not be taken alive.

As Officer Bailey approached the breezeway, Rodney Fisher came into view. When Fisher saw Officer Bailey, he pulled out a pistol with his right hand and waived it around. Officer Bailey gave several commands for Fisher to drop his weapon. Mr. Fisher did not comply with any of Officer Bailey's commands. As Officer Bailey was yelling at Fisher to drop the gun, Officer Jefferson walked up behind Bailey and to his right. As the second officer came into Fisher's view, he (Fisher) began turning the handgun in an upward position. At that point, Officer Jefferson fired his weapon at Fisher, as did Officer Bailey. Rodney Fisher was struck in the chest and leg area, causing him to fall to the ground. The Officers notified dispatch of shots fired at 12:22 p.m., and called for Emergency Medical Service (EMS) to respond to their location. Officers Bailey and Jefferson began rendering first aid to Mr. Fisher at that time and continued to do so until EMS arrived. Rodney Fisher was transported to St. Bernard's Hospital, where he later died as a result of his injuries. Nichole Herndon was not injured during this incident.

The Arkansas State Police (ASP) Criminal Division, was notified at 12:33 p.m. to conduct an Officer Involved Shooting (OIS) investigation. Agents and Supervisors with ASP conducted a

crime scene search at the Curtview address. That search uncovered spent shell casings and the .45 Caliber weapon that Rodney Fisher was holding. Witnesses and Officers were interviewed by ASP after the shooting. The patrol officers' body cameras recorded this shooting and have been made available for an ASP case file. That body camera footage is consistent with the patrol officers and witness statements.

Arkansas Section 5-2-601 (b)(2) allows the use of deadly force if the officer reasonably believes that the use of deadly force is necessary to defend himself or a third person from what he reasonably believes to be the use – or imminent use – of deadly force. Officers Bailey and Jefferson knew that Rodney Fisher was wanted for 1st Degree Murder, and furthermore, knew that if they encountered him, he had previously threatened police and said he would not be going back to prison. The officers tried to deescalate the situation, and tried to get Fisher to drop his weapon to no avail. They had every reason to believe that he would use the pistol he held, and when Fisher raised the pistol toward the officers, they acted in defense of their lives, and fired their weapons in self-defense.

No prosecution will follow in this case. This matter will remain an open investigation until all evidence from the Crime Lab, including the autopsy and toxicology report, has been completed and made part of this file.

Sincerely,

A handwritten signature in blue ink that reads "SCOTT ELLINGTON". The signature is written in a cursive style with a prominent flourish at the end.

Scott Ellington
Prosecuting Attorney
2nd Judicial District

CC: Rick Elliott, Jonesboro Police Chief
Lt. Brant Tosh, Arkansas State Police
S.A. Mike Grimes, Arkansas State Police