

Burnsville cop cleared in shooting of armed man

By John Gessner
Jun 8, 2017

A Burnsville police sergeant had legal justification to kill an armed and suicidal man last September, Dakota County Attorney James Backstrom announced Wednesday.

Sgt. Steve Stoler, who shot the man three times after the man pointed his gun at Stoler, isn't criminally liable, said Backstrom, who reviewed the case for possible charges.

Stoler shot 48-year-old Jamie Joseph Lewis to protect himself and others from death or great bodily harm and to prevent the escape of a fleeing felon who had threatened deadly force — both of which are justifications under Minnesota law, Backstrom said in a news release.

“Although I have concluded that the use of deadly force by this police officer was legally justified in this instance, any loss of life is a tragic occurrence,” Backstrom said.

Police responded at 8:20 p.m. Sept. 26 to a crisis call from Lewis' former girlfriend at the Dahcotah View Apartments, 1605 Cliff Road E., where he lived.

She said Lewis was upset that she had recently broken up with him and had made numerous suicide threats before leaving the apartment with a handgun, according to the news release.

She also told police Lewis had a history of severe depression and was a convicted felon who had told her “he would go to prison for 10 years if caught with a weapon and that he would rather die than go back to prison.”

With guidance from a State Patrol helicopter, police located Lewis at about 9:30 p.m. near a commercial building next to the apartment complex. Stoler and officer Bret Levin were the first to arrive. Levin shone his squad spotlight on Lewis. Through their rifle scopes the officers saw Lewis lying on the ground holding a gun. He ignored their repeated shouts to drop it.

Lewis pointed it at his head a few times before sitting up and pointing it “directly towards” Stoler, causing him to “fear for his life, the lives of fellow officers, and members of the public nearby.”

Stoler fired his rifle seven times, striking Lewis three times. Next to his body was a loaded .45-caliber handgun. Lewis had a blood-alcohol concentration of 0.62.

Before arriving at the scene Stoler and other officers were informed of Lewis’ vulnerable state – the breakup, depression, suicide warnings and the fact he had recently quit his job, the news release said. Lewis had said he would “go down fighting” to avoid 10 years in prison for being caught with a gun. He had been drinking beer and taking No Doze.

A “reasonable officer would believe that Lewis was not only a threat to himself, but to police officers who would come into contact with him,” the news release said.

It was the second fatal officer-involved shooting in Burnsville in 2016.

On March 17 last year, three officers killed Map Kong, 38, of Chaska, outside the McDonald’s at 2901 Highway 13 W. Kong had been sitting in his car acting erratically and brandishing a large knife. He ignored repeated warnings to drop the knife before bolting from the car with the knife and running toward Highway 13.

The Dakota County grand jury concluded that officers Taylor Jacobs, John Mott and Maksim Yakovlev were legally justified in using deadly force.
