



NEWS RELEASE

GREENE COUNTY PROSECUTING ATTORNEY

DAN PATTERSON

Contact: Rhonda Ogden, Office Manager – (417) 868-4061
1010 Boonville
Springfield, MO 65802

July 22, 2016

FOR IMMEDIATE RELEASE

Prosecutor's Review of Death Investigation finds that Springfield man
Used Police Officer's Gun to Kill Self during Struggle

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announced today that he concluded his review of the investigation of the death of Magnum Phillips on the evening of November 25, 2015 at 2260 N. Golden, lot 78, Springfield, Missouri. In a letter to Springfield Police Chief Paul Williams, Mr. Patterson stated, the investigation “corroborates Officer Helms’ account of the incident in which Magnum Phillips, while resisting Officer Helms’ efforts to disarm him, grabbed Officer Helms’ handgun, struggled for control over it, and ultimately directed it to his own head and pulled the trigger shooting himself.” Mr. Patterson further explained that “the corroborating evidence includes: the crime scene investigation, the autopsy, statements of witnesses that Mr. Phillips was armed with a knife, statements of witnesses that Mr. Phillips was suicidal and would threaten suicide during domestic violence incidents, statements of witnesses who heard Mr. Phillips arguing with Officer Helms, statements of witnesses who heard Officer Helms command Mr. Phillips to let go of the officer’s gun, forensic evidence of Mr. Phillips’ DNA on the trigger of Officer Helms’ duty weapon, and the fact that Officer Helms’ weapon did not eject the spent cartridge due to Mr. Phillips hold on the slide at the time he pulled the trigger.”

Mr. Patterson also noted that, “this case is a stark reminder of the dangers faced by police officers on a daily basis as they respond to domestic violence calls for service and deal with unstable individuals.” A copy of the letter to Chief Williams detailing the prosecutor’s findings in this incident is attached hereto.

###

GREENE COUNTY PROSECUTING ATTORNEY



1010 Boonville Avenue
Springfield, MO 65802-3804
www.greenecountymo.gov



DAN PATTERSON
PROSECUTING ATTORNEY

MAIN OFFICE
(417) 868-4061
Fax 868-4160

TRAFFIC
(417) 868-4123

VICTIM/WITNESS
(417) 868-4082
Fax 829-6177

CHECKS/TAXES
(417) 868-4034

CHILD SUPPORT
(417) 868-4126
Fax 862-8730

July 22, 2016

Chief Paul Williams
Springfield Police Department
321 E. Chestnut Expressway
Springfield, Missouri 65802

RE: Review of Magnum Phillips death investigation, SPD #: 15-47472

Dear Chief Williams,

I have reviewed the above investigation received on April 13, 2016, and am returning the same to you as no prosecutable criminal violations are reported therein. This case is a stark reminder of the dangers faced by police officers on a daily basis as they respond to domestic violence calls for service and deal with unstable individuals.

Conclusion

The evidence in this case corroborates Officer Helms' account of the incident in which Magnum Phillips, while resisting Officer Helms' efforts to disarm him, grabbed Officer Helms' handgun, struggled for control over it, and ultimately directed it to his own head and pulled the trigger shooting himself. The corroborating evidence includes: the crime scene investigation, the autopsy, statements of witnesses that Mr. Phillips was armed with a knife, statements of witnesses that Mr. Phillips was suicidal and would threaten suicide during domestic violence incidents, statements of witnesses who heard Mr. Phillips arguing with Officer Helms, statements of witnesses who heard Officer Helms command Mr. Phillips to let go of the officer's gun, forensic evidence of Mr. Phillips' DNA on the trigger of Officer Helms' duty weapon, and the fact that Officer Helms' weapon did not eject the spent cartridge due to Mr. Phillips' hold on the slide at the time he pulled the trigger.

Summary of Facts

On November 25, 2015, Springfield Police Officer Kolby Helms responded to a domestic disturbance at approximately 10:00 pm at 2260 N. Golden, lot 78, Springfield, Missouri. Upon arrival he learned from a male that he encountered outside, William Buerkle, that another male

July 22, 2016

RE: Review of Magnum Phillips death investigation, SPD #: 15-4747

subject, later identified to be Magnum Phillips, was inside the mobile home and might be armed with a knife. Officer Helms made contact with a resident of the mobile home, Amanda Yocum, and was told that Mr. Phillips must have left the location through the back. During his conversation with Ms. Yocum inside the mobile home's living room, Officer Helms noticed fresh drops of blood. While Ms. Yocum stated that an argument had occurred, she appeared reluctant to explain the source of the blood. (It was later learned that Mr. Phillips had cut himself when breaking out a bedroom window once inside the residence after being locked out by Ms. Yocum).

Based on his observations, Officer Helms was concerned an assault had occurred. As Officer Helms was asking Ms. Yocum if anyone else was inside the residence, Ms. Yocum's six year old son and her mother, Cheri Devine, entered the living room from the hallway. Officer Helms asked Ms. Yocum if anyone else was in the residence and she responded, "No there shouldn't be." Officer Helms asked Ms. Yocum about the blood trail he observed in the hallway and Ms. Yocum did not provide a clear answer. To ensure the safety of himself and others in the residence, Officer Helms asked Ms. Yocum for permission to check to make sure no one else was in the residence and Ms. Yocum replied "Okay."

For his protection, Officer Helms drew his duty weapon, a Glock model 17 semiautomatic pistol, and proceeded to check the residence for other persons. When Officer Helms came to the bedroom at the end of the hallway, it appeared to be an adult bedroom. The room's floor space was dominated by the bed that filled the room leaving only a small cluttered walkway around the bed. From his vantage point at the door, Officer Helms could tell the room extended to his left but he could not see all the way inside the room. When Officer Helms entered the room he first saw Magnum Phillips standing in the walkway around the bed at the southeast corner of the bedroom.

Mr. Phillips appeared tense and agitated, his left hand was clenched and his right hand was not visible. Officer Helms asked Mr. Phillips, "Hey what's going on?" Mr. Phillips stepped back toward the southeast corner of the room and yelled "get back." Officer Helms had taken a step toward Mr. Phillips and commanded him to show his hands. Mr. Phillips again yelled "get back" and raised a knife to his throat with his right hand. Officer Helms brought his weapon up from a low ready position, pointed it at Mr. Phillips chest and commanded him to drop the knife. Mr. Phillips did not comply and yelled at the officer "shoot me, kill me" and "I want to die, shoot me." Mr. Phillips then began to approach Officer Helms.

Due to the small walkway and clutter, Officer Helms was unable to safely retreat without looking away from Mr. Phillips. As Mr. Phillips was approaching Officer Helms and was approximately six feet away, Mr. Phillips began to lower the knife. Fearing that Mr. Phillips might use the knife against him, Officer Helms took a step forward and grabbed Mr. Phillips' right hand with

July 22, 2016

RE: Review of Magnum Phillips death investigation, SPD #: 15-4747

his right hand to control the knife. Mr. Phillips resisted, attempted to pull away and fell onto his back on the bed. Officer Helms maintained his grip on Mr. Phillips' knife hand and fell on top of Mr. Phillips.

Officer Helms forced Mr. Phillips' right hand with the knife down and across Mr. Phillips' chest while holding his duty weapon in his left hand close to his own body. Mr. Phillips repeatedly stated he wanted to die. Mr. Phillips continued to resist and unsuccessfully tried to use his left hand to force Officer Helms to let go of his right hand. During the continued struggle, Mr. Phillips reached across with his left hand and grabbed ahold of the slide or top portion of Officer Helms' duty weapon. Officer Helms yelled multiple times for Mr. Phillips to let go of his gun. Mr. Phillips had strong leverage on the weapon and Officer Helms could not free it from Mr. Phillips' grip. Officer Helms tried to control the muzzle direction to keep it from being turned on him. As the struggle continued, Officer Helms could feel the slide of his weapon moving back and forth.

During the struggle, Officer Helms had his finger inside the trigger guard of his weapon but pressed to the forward portion of the trigger guard furthest from the trigger. As they struggled for control of the weapon, Officer Helms felt Mr. Phillips move a finger or his thumb against Officer Helms' finger and into the trigger guard. Officer Helms attempted to pull the weapon up and to his left while yelling at Mr. Phillips, "let go of my gun now." Mr. Phillips pulled the weapon back to the right side of his head, stated "no shoot me," and Officer Helms felt Mr. Phillips pull the trigger shooting himself. Officer Helms attempted resuscitative efforts but the shot was fatal.

Just before 10:10 pm, Officer Helms radioed that he was stable, it appeared the male had left through a back door and he was not yet sure of the situation. The entire encounter detailed above lasted just under three minutes as Officer Helms radioed for medical assistance for a gunshot at just after 10:12 pm.

When Officer Helms' duty weapon was inspected it was found that the spent cartridge had not been ejected. The Missouri State Highway Patrol laboratory examined the weapon and found Mr. Phillips' DNA upon the right side of the trigger and upon the safety portion of the trigger. Both Ms. Yocum and Ms. Devine stated that Mr. Phillips had threatened suicide and that they later heard Officer Helms commanding Mr. Phillips to let go of his gun. At autopsy, the trajectory of the wound was described as front to back, right to left and upward through the right cheek, through the floor of the skull and through the brain.

Based upon the above, I find that Mr. Phillips caused his own death and there will be no further

July 22, 2016

RE: Review of Magnum Phillips death investigation, SPD #: 15-4747

action by this office with regard to this investigation.

A handwritten signature in dark ink, reading "Dan Patterson". The signature is fluid and cursive, with the first name "Dan" being larger and more prominent than the last name "Patterson".

Dan Patterson
Prosecuting Attorney

Attachments returned:

1. 30 page case narrative;
2. Exhibit list, Niche Property sheet, and property release form;
3. 51 page SPD investigative report;
4. 911 call transcript;
5. Radio traffic transcript;
6. Rights waiver form Officer Helms;
7. Consent to Search form;
8. Child Advocacy Center Reports;
9. MSHP Laboratory Analysis Request and Reports;
10. ECG printout;
11. Greene County Medical Examiner's Office Report of Death Scene Investigation;
12. Greene County Medical Examiner's Office Autopsy Report;
13. Crime Scene Activity Log;
14. Crime Scene Diagrams;
15. Criminal History of Magnum Phillips;
16. Recordings of 911 call and radio traffic;
17. Recorded interview of Amanda Yocum;
18. Recorded interview of Cheri Devine;
19. Recorded interview of Officer Kolby Helms;
20. Recorded interview of William Buerkle;
21. Crime Scene Photographs (2 disks);
22. Autopsy Photographs (1 disk).