



Kansas Bureau of Investigation

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FOR IMMEDIATE RELEASE
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UPDATE: No charges filed against deputy in Rush County officer involved shooting

RUSH COUNTY – The Kansas Bureau of Investigation received notice from the Rush County Attorney that no charges will be filed against the Ness County sheriff's deputy who shot and injured a suspect in a January officer involved shooting on Highway 96 in Rush County.

After reviewing KBI investigative reports, Rush County Attorney Tony Rues determined the use of deadly force was justified, and he will not file charges against the sheriff's deputy.

According to Rues, the officer involved shooting was reviewed pursuant to the statutory authority of K.S.A. 20-5222 use of force; defense of person; no duty to retreat and Kansas case law. Pursuant to K.S.A. 21-5222 (b) a person is justified in the use of deadly force if such person *reasonably believes* that such use of deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person (emphasis added). The key words being reasonably believes. This is reinforced by case law in State v. McCullough, 293 Kan. 970, 975, 270 P. 3d 1142 (2012) and clarified in Graham v. Connor, 490 U.S. 386 (1989).

Rues summarized his decision saying, "Considering the provided legal standard, the following facts are legally pertinent. The deputy was in pursuit of Timothy "Timmy" W. Kellebrew who was suspected of committing an aggravated robbery with a firearm of a Dollar General store. Kellebrew's actions required law enforcement to engage in a dangerous high-speed pursuit of him. This not only endangered law enforcement but also other civilians using the highway. Kellebrew also wielded the firearm in attempting to gain access to the vehicle that he had forced off the highway. It is at that instance that the deputy fired his service weapon to prevent the same. The use of deadly force was justified. Therefore, no charges against the deputy will be filed."

Kellebrew was charged in Lane County district court for his alleged involvement in the robbery at the Dollar General Store in Dighton. Charges are pending for suspected crimes that occurred in Rush County.

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FOR IMMEDIATE RELEASE
January 22, 2020

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UPDATE: Officer involved shooting in Rush County

RUSH COUNTY – The Kansas Bureau of Investigation has identified the man injured in an officer involved shooting yesterday in Rush County as 42-year-old Timothy W. Kellebrew from Ashland City, Tenn. Kellebrew continues to recover in a Wichita hospital, and is currently in fair condition.

The investigation is ongoing. Nothing further will be released at this time.

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FOR IMMEDIATE RELEASE
January 21, 2020

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KBI investigates officer involved shooting in Rush County

RUSH COUNTY – The Kansas Bureau of Investigation (KBI) is investigating an officer involved shooting which occurred Tuesday morning, Jan. 21, along Highway 96 in Rush County.

The Ness County Sheriff's Office contacted the KBI at approximately 10:50 a.m. Tuesday to request assistance investigating the shooting. KBI agents and the crime scene response team (CSRT) responded to investigate.

At approximately 9:30 a.m., a Dollar General store in Dighton, Kan. was robbed at gunpoint. A Ness County Sheriff's deputy observed a blue Dodge Ram pickup matching the description of the vehicle used in the earlier armed robbery and attempted to stop it east of Ness City along Highway 96. The male driver of the vehicle refused to stop, and a pursuit began.

Preliminary information indicates that the deputy pursued the Dodge Ram heading east along Highway 96 into Rush County. Rush County Sheriff's deputies then deployed stop sticks, which flattened two tires on the vehicle. The driver continued traveling for several additional miles, but before his vehicle came to a complete stop, he forced a nearby pickup truck with a cattle trailer off the road. The man then exited the Dodge Ram with a handgun, and attempted to carjack the bystander's pickup truck. As this was occurring, the Ness County Sheriff's deputy fired multiple shots, and the suspect was struck. The shooting occurred at approximately 10:40 a.m., east of Rush Center, Kan.

EMS responded to the scene and the man was flown to Wesley Medical Center in Wichita. He underwent surgery and is expected to survive. Authorities are still working to confirm the man's identity. A female passenger in the Dodge Ram was detained and questioned about the incident.

The KBI will conduct a thorough and independent investigation into the shooting. Once completed the findings will be turned over to the Rush County Attorney for review. This investigation is ongoing. No further information will be released at this time.

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