



Official Memorandum of the Linn County Attorney

From: Jerry Vander Sanden, Linn County Attorney
To: Linn County Sheriff's Office
Re: Shooting Death of Kevin Kawanzel Harris
Date: October 30, 2020

I have conducted a thorough review of your investigative file in connection with the August 30, 2020 shooting death of Kevin Kawanzel Harris at 2783 Ridgeview Drive in Palo, Iowa. The investigation showed that Harris had forced entry into this residence at approximately 3:00 A.M when he was shot and killed by the homeowner, Jordan David Schulte. The inquiry into this shooting also showed there were a series of related events involving Harris immediately preceding his fatal encounter at the Schulte residence.

Just minutes before the fatal shooting, Harris, who was driving a Buick Encore SUV, missed a turn at the T-intersection of Ridgeview Drive and Timber Road and struck a vehicle parked at 4602 Timber Road. The force of the collision pushed the parked vehicle into a third vehicle and disabled the Harris SUV.

Harris left on foot and approached three different residences in the vicinity before arriving at the Schulte residence. He attempted to force entry into the residence at 2779 Sage Drive damaging the front door. Failing entry into that residence, he left and pounded on the living room window of a second residence at 2870 Sage Drive shattering the glass. He then pounded and broke a basement window at a third residence at 2781 Ridgeview Drive while yelling "Let me the f*** in."

The Schulte home at 2783 Ridgeway Drive was the fourth and final residence the defendant arrived upon during this inexplicable series of events. At the Schulte home, the defendant pounded on the windows of two children's bedrooms breaking one of

them. Harris then forced entry into the Schulte home by picking up a ceramic flower pot from the front porch and hurling it through the glass to the front door of the home.

The homeowners, Jordan and Mallory Schulte, were awake and heard the commotion in their neighborhood. They were understandably distressed and alarmed when Harris pounded on the windows of their children's bedrooms and forced entry into their home. Jordan Schulte armed himself with his 9mm handgun and confronted Harris in the entryway of his residence. Harris, who was clutching a black object in his hand, yelled at Schulte: "Do you want some of this" or words to that effect and began to advance upon him.

Schulte fired one shot striking Harris in the upper right chest. Harris immediately collapsed and deputies who arrived shortly after the shooting administered CPR. Their efforts were unsuccessful and Harris was pronounced dead at the scene. The black object seen in Harris' hand turned out to be a cell phone.

An autopsy performed by the Iowa State Medical Examiner revealed Kevin Harris died from a single gunshot wound to the upper right chest that penetrated his lungs, aorta and esophagus before exiting his left upper back. Toxicology tests showed cannabinoids, amphetamine, methamphetamine and fentanyl in his system. His methamphetamine level registered especially high at 560 ng/mL. The pathologist noted methamphetamine levels of 200-600 ng/mL can produce violent and irrational behavior and elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.

The crucial issue at hand is whether Jordan Schulte was justified in using deadly force upon Kevin Harris under the circumstances as determined by this investigation.

Iowa law on justification and self-defense is set forth in Iowa Code Chapter 704. It provides in part that a person is presumed to reasonably believe that deadly force is necessary to avoid injury or risk to one's life or safety or the life or safety of another when the person against whom force is used has unlawfully entered by force the dwelling of the person using force. That is, the law presumes a person is acting reasonably when they use deadly force upon another who has forced entry into their residence.

Applying the law to the operative facts, Jordan Schulte was faced with an unenviable set of circumstances clearly justifying his use of deadly force upon Kevin Harris. He was confronted with a startling and dangerous situation where he was forced to square-off with an aggressive intruder who broke into his home in the middle of the night. When Kevin Harris broke into the Schulte home, he clearly posed an unpredictable risk of harm to Jordan Schulte and the safety of his wife and children.

As it turned out, Kevin Harris was also under the influence of several illegal drugs at the time of this fatal encounter. He uttered a hostile and menacing statement as he advanced upon Jordan Schulte before being shot.

Under Iowa law, Jordan Schulte was justified in using deadly force upon Kevin Kawanzel Harris given the facts and circumstances as determined by the investigation conducted by the Linn County Sheriff's Office. Iowa Code section 704.13 provides that a person who is justified in using reasonable force against an aggressor in defense of oneself or another person is immune from criminal and civil liability.

Having conducted a thorough review of the matter, I conclude the facts do not support criminal charges of any sort against Jordan Schulte. The actions he took in his own home to protect himself and his family were reasonable and justified under the law. I would note that in reaching this decision, I concur with the conclusions already drawn by Linn County Sheriff investigators who also determined that criminal charges were not warranted given the facts revealed in their investigation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry A. Vander Sanden". The signature is fluid and cursive, with a large initial "J" and "V".

Jerry A. Vander Sanden
Linn County Attorney