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September 10, 2025

CRITICAL INCIDENT TASKFORCE REVIEW MEMORANDUM

Reviewed by Ryan W. Jolley, Bingham County Prosecuting Attorney, Wednesday September 10, 2025. Investigation conducted by the Eastern Idaho Critical Incident Taskforce. Pocatello Police Department as lead agency, Sergeant Matthew Shutes, as lead investigating Officer.

SCOPE OF THIS REVIEW AND MEMORANDUM

This memorandum reviews the issue of whether the use of deadly force was legally justified by multiple law enforcements agencies in Bingham County on August 20, 2025, at approximately 1132 N. 1330 E Shelley, Idaho. It is beyond the scope of this review to opine or comment regarding compliance with department policies and procedures, or to express an opinion regarding potential civil liability. Further, this review is limited to a review of only

the actions taken by the deputies involved, and expresses no opinion and only a limited discussion with regards to the actions taken by Steven Demott, which is reserved for a separate review. The Deputies involved under review who fired their weapons are as follows:

Bingham County Deputies

Deputy Tyler Moon
Deputy Elijah Cawthon
Deputy Jared Miller

Bonneville County Deputies

Deputy Jasen Smith
Deputy Kollin Gardner
Deputy Cameron Hunt

RELEVANT FACTS

The following relevant information, as has been presented to me, is taken from the 911 audio, police reports, body camera, and drone footage of the incident. This incident took place in the late hours of August 19, 2025 and early morning hours of August 20, 2025. The deceased male, Talon Sessions, was not identified until after the use of force. Up to that point it was only known that an armed male had attempted to steal a four-wheeler, was likely wounded by the homeowner during an exchange of gunfire, and was believed to still be in the area.

On August 19, 2025, at 10:59 p.m., 911 received a call from an individual who indicated that there were two people “standing out in the yard shooting at each other.” This individual also reported that one of the individuals, his neighbor, Steven Demott, had been shot in his kneecap area. The caller indicated that the other male who was involved, was unknown to him, but was armed with a handgun, and “still out there.” Units from Bingham County were then dispatched to a call of shots fired. Additional assistance was subsequently requested and multiple agencies responded to assist including troopers with the Idaho State Police, and Bonneville County Deputies.

Once on scene deputies learned that the homeowner, Mr. Demott, had engaged in gunfire with an unknown male on his property during the attempted theft of his four-wheeler and likely wounded him. Mr. Demott has been shot in his kneecap by the thief and indicated that the other individual was armed. He was still believed to be in the area based on his direction of travel. The deputies then began to search the property in an attempt to locate the unidentified armed male, later identified as Sessions. The visibility was limited due to the time of night and the rural location which lacked any major exterior lighting.

Law enforcement ultimately deployed a drone overhead which was able to locate, and illuminate Talon Sessions, laying in the brush to the west of the homeowner's residence. The location where Sessions was located is down a steep hill that is covered in brush and tall grasses. As deputies begin to descend the hill and approach from the east, the high definition drone video clearly shows Sessions. Initially he is lying on his back on the ground holding a revolver in his right hand. As the drone and law enforcement approach he moves to a seated position with his legs in front of him while continuing to hold the revolver, and then rolls over and is kneeling on his hands and knees with his legs crossed behind him, still holding a revolver. Sessions appears to be struggling with his lower body movements, but once he reaches this position he attempts to raise the revolver multiple times in the direction of the responding deputies. He makes multiple sweeping motions with the revolver in the direction of the deputies. Ultimately, he successfully raises the revolver pointing it directly at and in the direction of the deputies who then fired 30 rounds between the 6 above listed deputies and Sessions collapses.

Throughout the entirety of the approach by law enforcement they are consistently and repeatedly telling Sessions to drop the weapon, show them his hands, and stop moving. They also warn him that a K9 will be deployed if he does not comply. Further they tell him that they

will get him medical care. Multiple deputies also clearly state that he has something shiny in his hand and that he has a gun in his hand. Each deputy who fired was wearing a body camera and these commands are clearly captured on each of these deputy's body cameras. Sessions refused to comply with any of these commands. Immediately after firing the Deputies approach and secure Sessions and attempt to provide lifesaving measures which were unsuccessful.

LAW

During an arrest, a "citizen has the duty to submit to the authority of the officer without resistance." *Kessler v. Barowsky*, 129 Idaho 640, 644 (Ct. App. 1996). During an arrest, the officer "must not subject the person being arrested to any more force or restraint than is necessary for the arrest and detention. *Id.* citing *Anderson v. Foster*, 73 Idaho 340, 346 (1953).

When an officer is making an arrest that is supported by "probable cause to believe that a person has committed an offense, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer may use all reasonable and necessary means to effect the arrest and will be justified in using deadly force under conditions set out in section 18-4011, Idaho Code." Idaho Code § 19-610.

Idaho Code § 18-4011 allows for three separate justifications of an officer using deadly force. Those three ways are:

- 1) In obedience to any judgement of a competent court; or
- 2) when reasonably necessary in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty including suppression of a riot or keeping and preserving the peace. Use of deadly force shall not be justified in overcoming actual resistance unless the officer has probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or to other persons; or
- 3) when reasonably necessary in preventing rescue or escape or in retaking inmates who have been rescued or have escaped from any jail, or when reasonably necessary in order to prevent the escape of any person

charged with or suspected of having committed a felony, provided the officer has probable cause to believe that the inmate, or persons assisting his escape, or the person suspected of or charged with the commission of a felony poses a threat of death or serious physical injury to the officer or other persons.

Reasonableness is judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight. *Graham v. Connor*, 490 U.S. 386, 396-97 (1989). This provides for the fact that officers are forced to make split second judgments in difficult circumstances that are rapidly evolving.

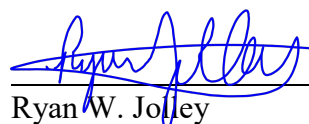
ANALYSIS

This incident presents with a very clear and straightforward set of facts with regards to the officer involved portion. Sessions was involved in a shootout with a homeowner during the attempted theft of a four-wheeler. He was known to be armed and in the area. Once located by law enforcement they gave very clear commands to Sessions to both drop his weapon and show them his hands. He made the decision to instead point his revolver at them and in their direction. All of the deputies who fired did so reasonably and justifiably in fear for themselves as well as for the other members of their team as required under number (2) cited above. Sessions was actively resisting their commands that he drop his weapon and submit to arrest. All of the deputies were clearly communicating these lawful requests. In addition, they were attempting to deescalate the situation by offering him medical assistance and a way out of the situation. Once Sessions pointed his revolver at them he posed a threat of death or serious injury to every member of that team. They continued to fire until that threat was no longer present, as is justifiable and reasonable. Furthermore, they provided immediate lifesaving measures to him once the use of force had been completed.

CONCLUSION

The investigation by the Eastern Idaho Critical Incident taskforce into this matter was thorough and complete. Furthermore, I was aided in my review of this matter by not only body cameras, but by extremely close up and high definition drone video. Sessions chose multiple times that night to make poor decisions. It is unfortunate he chose to make those decisions which led to him losing his life. It appears to me based upon the facts that he ultimately made the decision to end his life once confronted by law enforcement. Subsequent investigation revealed that at the time law enforcement engaged him, he no longer had any rounds in his revolver. This fact was unknown to anyone other than Sessions. All deputies knew is that he had already engaged in a gunfight that night, wounding the homeowner, and that he was still armed with the revolver, which he pointed at them. Without the benefit of hindsight, the deputies had to operate with the belief that he still posed a deadly threat to them, and anyone else should he escape the area.

There were multiple opportunities for Sessions to avoid this outcome. Only a portion of the criminal decisions made by the defendant leading up to this incident are relevant to this review and included. The justifications for the use of force in connection with this case are clear. Sessions refused to comply with the lawful commands of law enforcement and then presented an apparent deadly threat to them. Had Sessions survived he would have been charged with numerous high-level felonies, to include aggravated assault on law enforcement. The deadly force utilized by each of the six above listed deputies in connection with this matter was justified.



Ryan W. Jolley
Bingham County Prosecuting Attorney