

Marion County Grand Jury Unanimously Finds Oregon State Police Trooper Was Justified in Use of Deadly Physical Force

Today, April 19, 2023, a Marion County Grand Jury unanimously found that Oregon State Police Trooper Andrew Tuttle was justified in his use of deadly physical force against Felipe Amezcua Manzo, age 31, on April 10, 2023.

The Grand Jury heard testimony from 12 witnesses, including the Salem Police Department who led the investigation. The Grand Jury reviewed multiple video exhibits, photographs, scene diagrams, dispatch recordings, ballistic information, and autopsy findings. The following is a factual summary of the evidence found by the Grand Jury:

On Monday, April 10, 2023, at 8:42 a.m., an Oregon State Police (OSP) trooper, Andrew Tuttle, was on duty and driving northbound on Interstate 5 (I5). Trooper Tuttle has been employed by Oregon State Police since August of 2016, and prior to that he served six years in the United States Navy, four of those years as a military police officer.

At approximately 8:42 a.m., Trooper Tuttle was nearing milepost 254 and observed what he believed to be a stalled semi-trailer in the B lane (middle lane). Trooper Tuttle called into his dispatch to inform them that he would be stopping to assist the driver.

As Trooper Tuttle pulled up closer to the semi-trailer, he observed an adult male suspect (later identified to be Amezcua Manzo) in the roadway with a firearm in his hand. Trooper Tuttle saw Amezcua Manzo point the firearm at the driver of the semi-trailer and then saw him point the firearm at a driver of a nearby SUV and try to force open the passenger side door of that vehicle.

At this time, Amezcua Manzo noticed Trooper Tuttle and started to run to the east, toward the CarMax (located adjacent to I5). Trooper Tuttle activated his lights and sirens and pulled his vehicle over to the side of the interstate. Trooper Tuttle exited his vehicle and drew his firearm. Trooper Tuttle saw Amezcua Manzo run to the grass shoulder and then go down into the ditch. Trooper Tuttle yelled at Amezcua Manzo to “get on the ground” numerous times but Amezcua Manzo ignored those commands and continued walking south.

Trooper Tuttle proceeded to go down into the ditch and saw Amezcua Manzo walking with the gun in his hand. Amezcua Manzo then turned toward Trooper Tuttle, aimed the gun at Trooper Tuttle and started firing. Trooper Tuttle then returned fire.

During this exchange of gunfire, Trooper Tuttle felt something hit him on his left arm. Trooper Tuttle started back up the incline at the side of I5, in an attempt to find coverage from the gunfire but ended up falling into the water in the bottom of the ditch.

Trooper Tuttle was able to get up and run up to his patrol vehicle. Trooper Tuttle reloaded his firearm and noticed that Amezcua Manzo was again aiming at him and firing. At this point, Trooper Tuttle saw a “blue light or laser” coming from Amezcua Manzo’s gun. The light was pointed right at Trooper Tuttle’s eyes and blinded him momentarily. This light is frequently associated with laser-assisted aiming, suggesting to Trooper Tuttle that the gun was aimed at his head.

Trooper Tuttle began to fire again toward Amezcua Manzo. Amezcua Manzo was still holding the gun and aiming at Trooper Tuttle. After Trooper Tuttle reloaded his gun a second time, he noticed Amezcua Manzo start to walk back toward Trooper Tuttle. Trooper Tuttle continued to fire at Amezcua Manzo, reloading a third time, until Amezcua Manzo fell to the grass.

At this time, Trooper Tuttle informed dispatch that shots had been fired and Amezcua Manzo was down. Medics were immediately dispatched to the scene to render medical aid to Amezcua Manzo.

While Trooper Tuttle was waiting for back up officers to arrive, a male started running down the interstate toward Trooper Tuttle. The male identified himself with a badge as a retired Pierce County, Washington, Sheriff’s Deputy. Trooper Tuttle gave the retired deputy his backup weapon and the retired deputy joined Trooper Tuttle at his patrol vehicle. They both held Amezcua Manzo at gunpoint for their safety until back up officers arrived just a few minutes later.

Once additional officers arrived, they approached Amezcua Manzo to render aid. Officers observed gunshot wounds to Amezcua Manzo’s chest, back, and head. Medical aid was administered but Amezcua Manzo was pronounced deceased at the scene. Also located near Amezcua Manzo was a firearm with an attached laser sight and light, which was blue in color.

Trooper Tuttle sustained an abrasion to his left arm but did not require further medical attention. It cannot be determined if the injury Trooper Tuttle sustained was due to a bullet graze or due to his fall in the ditch.

No other motorists, bystanders or police officers were injured during this incident.

Officers from the Salem Police Department and the Marion County Sheriff's Office responded to the scene to assist. The Salem Police Department led the investigation at the

request of the Marion County District Attorney's Office per Marion County's Law Enforcement Use of Deadly Physical Force Response Plan (sometimes referred to as "SB111 plan"). The Marion County Sheriff's Office assisted with the investigation.

An intensive investigation was conducted at the scene. Through that investigation, it was determined that Trooper Tuttle fired 47 shots and Amezcua Manzo fired 13 shots. In addition, investigators were able to collect video evidence of the incident. Trooper Tuttle was wearing a body camera and his patrol vehicle was equipped with a dash camera. Both cameras captured the incident.

A vehicle associated with Amezcua Manzo was located on the scene. It was searched pursuant to a search warrant authorized by Marion County Circuit Court Judge Thomas M. Hart. Nothing of significant evidentiary value was located in the vehicle.

Video evidence was also obtained from a camera installed on one of the semi-trailers present during the incident as well as from motorists who were in the area at that time. Amezcua Manzo was recorded pointing a firearm at various individuals in the lanes of travel as he tried to gain access to vehicles. Some of the videos also captured portions of the gunfire exchanged between Trooper Tuttle and Amezcua Manzo.

On April 11, 2023, Dr. Nicole Stanley performed an autopsy on Amezcua Manzo. At that time, Amezcua Manzo was positively identified as Felipe Amezcua Manzo, age 31. Dr. Stanley identified six gunshot wounds and determined that these gunshot wounds resulted in his death.

Amezcua Manzo had the following previous convictions:

- Unlawful Possession of a Firearm – 2020 (Oregon)
- Robbery in the Second Degree – 2015 (California)
- Evade Peace Officer – 2015 (California)
- DUII – 2011 (Oregon)
- Assault in the Third Degree – 2010 (Oregon)
- Assault in the Fourth Degree – 2010 (Oregon)

The Grand Jury did not hear any evidence of Amezcua Manzo's criminal history.

The Grand Jury applied the facts of this case to the legal principles dictating circumstances when deadly physical force can be used. Specifically, the Grand Jury found that, under the

totality of the circumstances known to Trooper Tuttle, he reasonably determined that the use of deadly physical force was necessary as:

- Felipe Amezcua Manzo had committed or attempted to commit violent felonies against a person or persons;
- Deadly physical force was necessary to defend a peace officer and/or another person from the use or threatened imminent use of deadly physical force; and
- Under the totality of the circumstances existing at the time and place, the use of such force was justified.

The Grand Jury further found that no reasonable alternatives, such as verbal de-escalation, waiting or using other available techniques or resources was reasonable, safe, or feasible as Trooper Tuttle gave a verbal warning to Amezcua Manzo and provided him with a reasonable opportunity to comply.

The Grand Jury's decision required reviewing all the facts and evidence available and applying them to the legal principles above. The Grand Jury concluded that the actions of Trooper Tuttle were justified and lawful.

The case was presented to the Grand Jury by Deputy District Attorneys Shannon Sullivan and Katharine Semple.

District Attorney Paige Clarkson said, "I am grateful to the Grand Jury for their thoughtful and thorough review of this case. We are fortunate to have law enforcement professionals in this county who responsibly and diligently carry out their investigative duties under Senate Bill 111. This case highlights the risk our police officers are willing to assume on our behalf every day. While this is not the ending anyone would've wanted for Mr. Amezcua Manzo, our community owes a debt of gratitude to Trooper Tuttle for his courageous actions."

The following items from the investigation can be located from the Google Drive link below:

- Photograph of Amezcua Manzo's firearm
- Overview photographs of the scene
- Videos of the incident *WARNING – GRAPHIC*

https://drive.google.com/drive/folders/192heYcXWenfJM9Gaz74_flZNcNgUJWdQ?usp=share_link