



Lincoln County District Attorney

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News Release

FOR IMMEDIATE RELEASE

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Use of Deadly Physical Force on April 24 Justified

The Lincoln County District Attorney's Office has determined that the use of deadly physical force by law enforcement on April 24, 2011, was justified.

Just after 3:00 a.m. on Sunday, April 24, 2011, Newport Police Officers and Lincoln County Sheriff's Deputies responded to J. C. Market in Newport on a report of a subject creating a disturbance and brandishing a machete. When confronted, the suspect, Troy Paul Holmes, 22, failed to comply with orders from officers. The suspect posed a continuing serious and immediate threat to the officers.

Non-lethal force, namely a taser, was used by Newport Police Officer Thomas Lekas, but was not effective. Mr Holmes continued to refuse to comply with orders from the officers. While brandishing a knife, Mr Holmes then charged at Officer Lekas and was shot twice by Lincoln County Sheriff's Deputy Eric Sorby. At that point, Mr Holmes complied and surrendered a knife and a machete.

Mr Holmes was then given immediate first aid by deputies and medical personnel at the scene, and was subsequently transported to the hospital. As of this time, Mr Holmes is listed in fair condition at Oregon Health Sciences University.

Following the incident, in accordance with the Lincoln County Deadly Physical Force Plan, investigators with the Lincoln County Major Crime Team interviewed witnesses, gathered evidence, and reviewed surveillance videos taken at the scene by J. C. Market. With the assistance of the lead detectives from the Lincoln City Police Department and Oregon State Police, the details of the investigation, as well as the surveillance videos, were reviewed by representatives of the District Attorney's Office.

"The use of deadly physical force during this incident by Deputy Eric Sorby was justified," said District Attorney Rob Bovett. "The conduct of Mr Holmes placed Officer Lekas in immediate danger of bodily injury, and Deputy Sorby was left with no choice but to use deadly physical force."

The conduct of Mr Holmes prior to and leading up to the arrival of officers on the scene on April 24, 2011, is still under investigation.

For more information, contact Rob Bovett at rbovett@co.lincoln.or.us or 541-265-4145.