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Sheriff Josh McQuillan
Carbon County Sheriff's Office
PO Box
Red Lodge, Montana 59068

Re: Shooting death of Chadwick Gene Rockman

Sheriff McQuillan,

As of late last week, my office is now in receipt of all pertinent law enforcement reports, forensic test results, interview transcripts, and photographs. At this point in time, I am officially declining prosecution in the shooting death of Chadwick Gene Rockman ("Rockman"). Although we had discussed the possibility of a coroner's inquest, the facts of the case do not support convening an inquest.

BACKGROUND

On April 8, 2020, at approximately 10:10 a.m., dispatch received a report of a possible homicide south of Red Lodge, Montana, on Lake Fork Road. The caller, TH, indicated that her husband, JH, was attacked by a man with a club. TH also indicated that JH shot the man with the club, killing him. TH said JH killed the man to stop an ongoing physical attack. The deceased was subsequently identified as Rockman.

Based on the investigation into the shooting death, the following was learned:

JH and TH regularly hike the Lake Fork Trail, and left their Carbon County home to go hiking the morning of April 8. Because of the presence of moose and bears on the trail, TH regularly carried bear spray and JH holstered a 10 mm handgun. JH and TH made it a practice to bring their German Shepard with them. The dog was generally unleashed while hiking.

CW was a friend of Rockman's and knew Rockman for approximately two years. Rockman and CW both resided in Billings, Montana. On April 7, Rockman reached out to CW. CW indicated that Rockman stated that he needed someone to talk to. CW reported that Rockman sounded distraught and that Rockman said he was experiencing anxiety and

depression.

At approximately 6:45 a.m., April 8, Rockman texted CW wanting to talk. According to CW, Rockman was anxious about his home life and COVID-19. CW suggested that she and Rockman leave town and go for a hike. CW decided to take Rockman to Lake Fork Trail.

On the drive to the trail head, CW thought Rockman was acting strangely. Rockman told CW that he was having trouble and was taking a new psychiatric medication. CW thought Rockman appeared paranoid and was uncertain whether or not Rockman's statements were, at least in part, delusional. CW said Rockman's physical appearance also seemed unusual and his eyes appeared to be "bugging out."

JH and TH described parking their truck just across the Lake Fork Road bridge over Rock Creek because the road ahead appeared impassable because of snow. Shortly after JH and TH arrived, they observed CW's SUV drive past them up Lake Fork Road.

Shortly after passing JH and TH, CW, surprised by the amount of snow, decided to turn around, and got stuck. After getting stuck, CW and Rockman were met by JH and TH and their dog. JH and TH had never before met CW or Rockman. CW asked if JH and TH would help push her vehicle out. JH indicated he had a shovel in his truck and offered to go get it.

CW recalled that JH and TH were accompanied by their dog, and described the dog as being well-behaved and not threatening. CW believed she may have even petted the dog. Nevertheless, the dog became a catalyst for Rockman's escalating behavior. Rockman brandished a large stick, described by witnesses as being 4-7' long and approximately 3" in diameter. CW, JH, and TH described Rockman as becoming very agitated about the presence of the dog and, despite no offensive behavior, threatening to kill the dog. JH remembers Rockman demanding that JH keep the dog away. JH told Rockman the dog was friendly and leashed the dog. JH reports Rockman telling him it would be "a day of reckoning." When asked why, Rockman told him because "I'm going to kill that dog."

CW describes JH and TH reacting calmly to Rockman's strange behavior, taking their leashed dog, and turning away to return to their pickup. CW describes telling Rockman to get in the car to no effect. She said Rockman, still armed with his large stick, instead followed JH and TH. CW yelled at Rockman to return to her vehicle, but Rockman followed JH and TH around the corner in the road and out of sight. CW remained at her vehicle.

CW recalls Rockman threatening to kill the dog multiple times as well as repeatedly saying the dog could "smell fear." CW further recalls Rockman's behavior as agitated and bizarre.

JH and TH described Rockman following them to their car. Both recall hearing Rockman muttering odd and threatening statements. At the car, JH placed the dog in their vehicle and JH and TH attempted to leave the situation. JH described being worried because Rockman appeared "crazy." JH described Rockman then using the large stick he was still carrying to smash the back window of JH's truck topper. Law enforcement later confirmed the back window had been

smashed, leaving broken glass in the bed of the pickup.

JH said Rockman then "came at me." At this point in time, JH stated that he believed Rockman was going to try to kill him and his wife. JH wrestled with Rockman and hit the ground. JH next described Rockman striking him with the large stick, hitting him on the arm and side. Deputy Jon Croft later photographed JH, noting that JH had blood on the knee of his pants, a scratch on his arm, and a large abrasion and developing bruising on his back near his left armpit.

JH and TH both described TH deploying bear spray at Rockman to deter the attack. Despite what appeared to be a direct hit, Rockman was not deterred and continued after JH, still armed with his large stick. Detective Quentin Thompson later photographed Rockman. Rockman's face was covered with a reddish colored residue Thompson knew to be consistent with bear spray.

JH described being backed away from his vehicle by Rockman, who was still swinging the large stick at JH. JH stated that he tried to reason with Rockman without any success. JH then described pulling his handgun, again hoping this might stop Rockman's advance. According to JH, Rockman was undeterred by the presence of a gun. In his interview, JH described saying "stop" before trying to shoot Rockman in the leg. Again JH was undeterred. Subsequent investigation revealed a bullet hole in Rockman's pants, near the knee, that did not strike Rockman.

JH described being worried for the safety of he and his wife. JH articulated that he was worried Rockman was trying to kill him and that he was afraid that if Rockman succeeded, that Rockman would then go after his wife. Based on that fear, and the fact that Rockman continued his attack despite being pepper sprayed and shot at, JH determined he had to stop Rockman. JH described aiming directly at Rockman and firing. JH describes Rockman falling over with the large stick laying across his body. Although JH only recalled firing two shots, CW remembered hearing three. Law enforcement later found three spent 10 mm cartridge cases on scene that were later determined to have been fired from JH's 10 mm pistol.

In her interview, CW said JH and TH returned to CW's vehicle to tell her what happened. CW described TH as crying and hysterical. CW described the entire situation as being the result of Rockman's actions and aggression. After learning about what happened, CW accompanied JH and TH to check on Rockman. JH determined that Rockman was deceased. Since there is no cell phone coverage at the site of the incident, JH and TH then left the scene to call law enforcement.

JH and TH were cooperative with law enforcement in the subsequent investigation. The statements of CW, TH, and JH were consistent with each other and were supported by the physical evidence.

An autopsy was performed, confirming Rockman died from a single gunshot wound. Although Rockman tested positive for psychiatric medication, none of the individuals involved

were positive for alcohol or dangerous drugs.

ANALYSIS

In reviewing this case, I've relied on the following statutes:

As you are well aware, Montana law, §45-3-102, MCA, allows the use of force against another when a person "reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force." Use of deadly force is justified when such force is necessary "to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony."

When confronted with the threat of bodily injury or loss of life, a person who is lawfully in a place or location is not required to retreat or summon law enforcement prior to using force, §45-3-110, MCA.

When, as in this case, law enforcement investigates an incident involving the apparent or alleged justifiable use of force, the investigation "must be conducted so as disclose all evidence, including testimony concerning the alleged offense and that might support the apparent or alleged justifiable use of force," §45-3-112, MCA.

Finally, with evidence of justifiable use of force at trial, the state must prove beyond a reasonable doubt the defendant's actions were not justified, §46-16-131, MCA.

In the present matter, TH and JH were clearly lawfully enjoying public lands. When confronted with Rockman's odd behavior, TH and JH tried to accommodate Rockman by leashing their dog and leaving. When Rockman persisted in his increasingly aggressive behavior and pursued them, JH and TH attempted to leave the scene.

Despite the efforts to de-escalate the situation, a confrontation could not be avoided and Rockman, according to TH and JH, assaulted JH. During the course of the investigation, no evidence was discovered to dispute the statements given by JH and TH. CW, a friend of Rockman's, provided a consistent story and told law enforcement she tried to calm down Rockman and asked him to stay with her. Based on CW, TH, and JH's statements to law enforcement, Rockman was the sole initiator of the confrontation and refused to be deterred.

There is also no dispute between witnesses regarding Rockman arming himself with a large stick. Both JH and TH told law enforcement that Rockman repeatedly swung the stick at JH, succeeding in striking him at least once. Photos of JH's injury appear consistent with being struck with Rockman's stick. At the least, the attack could be considered a misdemeanor assault. However, the attack could just as easily be considered an assault with a weapon.

Clearly, a person is legally entitled to take action to stop a violent attack, including the use of force. Ultimately, the question is whether JH acted reasonably when he used deadly force to terminate the assault.

Of import, JH and TH tried to remove themselves from the situation. JH and TH tried to calm Rockman by removing their dog. As Rockman escalated the assault, JH indicated he tried to leave the area, but was stopped by Rockman.

Of even more importance, JH and TH did not immediately resort to deadly force. JH and TH first tried to leave the scene and, later, the area. JH told law enforcement he tried to talk to Rockman in order to calm him before being attacked. TH then utilized bear spray to terminate the assault on her husband.

After the deployment of bear spray was unsuccessful in terminating the assault, JH indicated that he pulled his handgun and told Rockman to stop. JH next stated that he tried to shoot Rockman in the leg. This statement is consistent with the finding of an apparent bullet hole in Rockman's pants. JH described shooting Rockman only after Rockman continued to come at JH while swinging a stick.

JH further described being concerned that Rockman would not stop his attack until he debilitated or killed JH, leaving TH unprotected. Since Rockman was unfazed by bear spray or the presence of a firearm, JH believed he had no other choice to protect himself and his wife. Once the shooting occurred, JH self-reported to law enforcement and was cooperative.

Witness accounts of the incident all illustrate that JH and TH made reasonable attempts to avoid the confrontation, and did not immediately utilize deadly force.

In his law enforcement interview, JH detailed his decision to fire at Rockman:

...I started, uh, backing up, and he was coming at me.... I started, uh, backing up and I started coming down, backing up down the road, and I was telling him, you know, "no, stop." You know, and, and he was coming at me, still swinging a stick, trying to get me. Uh, and you could see it in his eyes. He had, there was nothing there. It was just pure hatred for whatever reason. Um, and he came at me. I, you know, and I said "stop," and I was, uh, backing up down the road. And he was, you know, coming at me, so I finally pulled the gun out, um, and then I, I tried to shoot him in the leg because I wanted to stop him. You know, slow him down. And because I could see between whatever, that and the bear spray in the face, yeah, there was no stopping the guy, and, and I knew too if he, even if he hit me and knocked me out with that stick, he would go after the wife, too. Um, uh, so I shot at his leg, and I didn't know if I hit him or not, but he just kept coming right at me, and then that's when I aimed for, you know, the center...

CONCLUSION

At this time, I am declining prosecution in this matter. Of course, if new evidence is discovered, the option to prosecute still exists. Undoubtedly, this was a tragic incident.

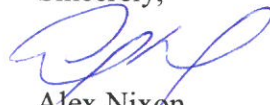
Nevertheless, I do not believe the State can prove beyond a reasonable doubt that JH's use of force was either unjustified or unreasonable.

JH took several different measures to extricate himself from the situation as a complete stranger threatened to kill JH's dog, broke the window of JH's truck, prevented JH from leaving, and attacked JH physically with a large stick.

Like you, I do not take the killing of another human lightly. But after careful consideration of evidence and pertinent law, there will be no further action taken.

Please contact me if you have questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Nixon', is written over the printed name.

Alex Nixon

Carbon County Attorney