

FIRST ASSISTANT DISTRICT ATTORNEY  
TIM KING  
ASSISTANT DISTRICT ATTORNEYS  
NALANI CHING  
MORGAN MUZLIAKOVICH  
MARY ANN HON  
SEAN WATERS



PARALEGALS  
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SARAH KOLBE  
CRISSY REED  
RACHEL KEELING  
KERI MCDARIS

FINANCE COORDINATOR/H.R.  
ROBYN BOSWELL

## ORVIL LOGE

DISTRICT ATTORNEY  
15<sup>TH</sup> PROSECUTORIAL DISTRICT  
MUSKOGEE COUNTY COURTHOUSE  
220 STATE STREET  
MUSKOGEE, OK 74401  
PHONE: 918-682-3374  
FAX: 918-687-3347

VICTIM WITNESS COORDINATORS  
CLINT HARRIS  
MELODY DAVIS  
SHELLY SUMPTER

INVESTIGATOR  
BERT POOLE

SUPERVISION / BOGUS CHECK/RESTITUTION  
MALISSA ROBINSON  
MARY ANN FREEMAN

RECEPTIONIST  
HOLLY SILKEBAKKEN

November 20, 2018

Chief Johnny Teehee  
Muskogee Police Department  
112 South 3<sup>rd</sup> Street  
Muskogee, OK 74401

Re: Officer involved shooting of Andrew Kana  
Date of occurrence: November 12, 2018

Dear Chief Teehee:

This letter is to advise you of my decision in the shooting death of ANDREW KANA by Muskogee Police Officer RON YATES, which occurred on November 12, 2018, in Muskogee, Oklahoma. I have review the entire investigation file and submit the following Summary of Facts and Conclusions of the Law. If you have any questions, please contact me.

### SUMMARY OF FACTS

1. On November 12, 2018, at approximately 2:00 pm, dispatch was notified by AARON BLAKE that his ex-wife, TSONYAH BARNETT was meeting the suspect ANDREW KANA at the I Don't Care Bar and Grill, located at 415 West Shawnee, Muskogee, Oklahoma. ANDREW KANA had active warrants for his arrest that included Domestic Assault and Battery by Strangulation.
2. Initially, Officer JARED JONES and Officer TAYLOR MILLS were dispatched to the location. Officer RON YATES was in the area of York and Gibson and responded as well. YATES thought the suspect was being "setup" so KANA would be arrested. YATES was concerned because this activity was occurring in a public place. He contacted Officer DEVIN BEACH and expressed his concern and wanted confirmation of the warrant(s).
3. The warrant(s) were confirmed through the DOC number of KANA, identified as "Oriental male". YATES met MILLS and JONES behind the location and devised a solo entry plan with MILLS and JONES outside in case KANA fled. YATES wanted to avoid a "hostage situation." JONES expressed similar concerns.

4. At approximately 2:14 pm, YATES upon entering the front door of the restaurant, noticed the lady in the pink jacket at the table in the north east corner. YATES made eye contact with KANA and advised him to stand up. KANA had a blank stare that concerned YATES.
5. YATES cuffed the left hand of KANA who immediately tensed up. YATES pulled his service weapon with his right hand while still holding KANA'S cuffed left hand. KANA put his right hand back on the table. YATES holstered his weapon and advised MILLS and JONES to get into the restaurant.
6. JONES and MILLS entered, YATES told to KANA "relax don't do it, don't do it. Show me your hands." KANA reached into his back pants pocket and pulled a gun. YATES stated "He's got a knife, He's got a gun," and fired 3 times to the body of KANA. KANA fell to the floor. MILLS secured the gun and handcuffed KANA with the assistance of JONES. An additional loaded magazine was found in the left rear pants pocket of KANA. ANDREW KANA died.
7. The scene was secured; YATES, MILLS and JONES were removed and taken to the Police Department.

### CONCLUSION OF LAW

- A. On November 12, 2018, Officer RON YATES was acting within the scope and course of employment with the Muskogee Police Department in his Class A Uniform, blue in color with a black zip-up coat properly identified as a Muskogee Police Officer.
- B. On November 12, 2018, Officer RON YATES encountered the suspect ANDREW KANA at the I Don't Care Bar and Grill, located at 415 W. Shawnee, Muskogee, Oklahoma.
- C. Officer RON YATES gave lawful commands to ANDREW KANA. ANDREW KANA ignored those commands and pulled a gun from his right rear pant pocket. ANDREW KANA was a direct, immediate and lethal threat to TSONYAH BARNETT, all patrons and employees of the restaurant, Officers RON YATES, TAYLOR MILLS and JARED JONES.
- D. ANDREW KANA committed the offense of Resisting Arrest and Assault with a Deadly Weapon.
- E. Officer RON YATES lawfully fired his duty weapon, striking ANDREW KANA three (3) times causing his death.

Officer RON YATES actions in the shooting death of ANDREW KANA are legally justified.

Respectfully submitted,



Orvil Loge  
District Attorney

cc: Scott Wood, Attorney for Ron Yates