



Written by [R. Cort Kirkwood](#) on January 6, 2021

## Kenosha DA: Facts Don't Support Charging Cops in Blake Shooting. It Was Justified, Complied With Standards

The Kenosha County District attorney will not charge the police officer who shot sex-assault suspect Jacob Blake seven times in the back on August 23.

In [his 87-page report](#), DA Michael D. Graveley (shown) said he could not prove that Officer Rusten Sheskey did not act out of self defense because of video footage, the 911 call from Blake's former "fianceé," and Blake's resisting arrest and brandishing a knife.

Blake was also wanted for felony sexual assault, as [The New American reported](#) after the shooting.



AP Images

Graveley relied partly on the analysis of [Noble Wray](#), the former police chief of Madison who served in the Obama administration on a panel devoted to police reform.

The facts, Graveley wrote, will not support charges against the officers.

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### **The Facts**

Wisconsin's Department of Criminal of Investigation conducted the probe that provided the facts for Graveley's decision. More than 30 agents "reviewed 911 recordings, dispatch recordings, and more than 40 hours of squad video from the squads of responding officers."

As well, Graveley wrote, the agency created 200 reports totaling 1,500 pages.

"On August 23, 2020, the officers in this incident were responding to a family trouble call which they knew was between a woman and the father of her children," Graveley reported.

That "family trouble," meaning domestic violence, is key to understanding the shooting, he wrote:

When Officer Sheskey, Officer [Britanny] Meronek, and Officer [Vincent] Arenas responded to this call on August 23, 2020, they knew they were responding to a domestic disturbance and they knew the man who was the subject of the call, Jacob Blake, had a warrant for his arrest from a prior incident where he was charged with domestic violence offenses and a sexual assault. Every decision the officers made during this incident, in response to this call, must be interpreted in light of those facts.

Graveley laid out 27 facts that led to his decision.

At about 5:10 p.m. that Sunday, Laquisha Booker, the mother of three of Blake's six children, dialed 911. Blake, she told the dispatcher, took the keys to her rented gray Dodge SUV. She feared he would



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wreck it.

The three officers knew two things. First, they were answering a domestic disturbance call, and second, Blake was wanted for domestic violence and sexual-assault charges. When they arrived, Booker pointed out Blake and told them, “my kids are in the car.”

Sheskey saw Blake put a child in the back of the SUV and tried to arrest him, with the other officers assisting.

Though Blake knew he was subject to arrest on the warrant, he fought with the officers. Even after they took him down, “he was able to get off the ground and to get away from the officers trying to arrest him,” Graveley wrote.

Sheskey and Arenas fired tasers, but Blake ripped out the prongs, and continued fighting after Sheskey “attempted to drive stun Jacob Blake with his taser by applying the taser to Jacob Blake’s neck/back area.”

When [Blake rushed](#) around the front of the SUV, “the knife was opened and the blade was exposed.”

Blake refused Sheskey’s repeated commands to drop the knife and still tried to get in the SUV.

That’s when Sheskey fired:

- Both Officer Sheskey and Officer Arenas stated that in the moment before Officer Sheskey opened fire, Jacob Blake twisted his body, moving his right hand with the knife towards Officer Sheskey.
- Two citizen witnesses saw Jacob Blake’s body turn in a manner that appears consistent with what the officers described.
- Officer Sheskey shot Jacob Blake seven times in total. There were four entrance wounds to Jacob Blake’s back and three entrance wounds to his left side (flank).
- Officer Sheskey stated that he fired shots until Jacob Blake dropped the knife. Noble Wray explained this is consistent with law enforcement training where officers are instructed to continue shooting until they stop the threat.

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Police found the knife on the floor of the driver’s side of the car, as [TNA reported](#) at the time. At that point, reports suggested that Blake had a knife within reach and was attempting to grab as Sheskey fired.

Graveley concluded he can’t charge the officers:

I do not believe the State could prove beyond a reasonable doubt that Officer Sheskey was not acting lawfully in self-defense or defense of others which is the legal standard the State would have to meet to obtain a criminal conviction in this case.

I also do not believe that there are any viable criminal charges against Officer Meronek or Officer Arenas neither of whom fired a shot in this case.

Wray said the shooting was “justified,” complied with Wisconsin law, and comported with his training,



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Graveley wrote. As well, the shooting followed “widely accepted law enforcement use of force standards.”

Charging the officers would be unethical, he wrote.

### **No Body Cameras, “Systemic Racism”**

Importantly, Graveley decided not to prosecute the officers by using the same facts they had at the scene:

The facts that are the most important to my determination are that officers were responding to a domestic disturbance. They were attempting to arrest Jacob Blake because he had a felony arrest warrant for domestic violence offenses and a sexual assault. Jacob Blake was armed with a knife and, after vigorously resisting the lawful arrest, he appeared to be attempting to flee in a vehicle that police had been told he did not have permission to operate and which had at least one child in the back. All of the decisions made by the officers on scene, particularly Officer Sheskey, were made based on these facts.

Graveley closed with a nod to the fiction of “systemic racism.”

“I know that this decision may be met with anger and outrage,” he wrote, citing Wray’s claims that blacks are “disproportionately impacted by deadly-force encounters”:

Much of this anger will arise from the long history in our country of racial Injustice, of systemic racism that has become embedded in our institutions including the criminal justice system and has influenced how communities of color are policed and prosecuted. I do not deny that reality.

That is not “reality,” and Graveley did not explain why blacks are “disproportionately impacted.”

At this writing, a GoFundMe account for Blake [has raised](#) more than \$2.3 million.

[Full report](#)

H/T: [Legal Insurrection](#)



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