



Investigation into the Shooting Death of Joshua Lathrop

Findings of Fact and Conclusions of Law

1. Findings of Fact

On May 30, 2020, at approximately 11:40 P.M., peace officers were dispatched to the Sunset Village Mobile Home Park in Hiawatha, Iowa, in response to over twenty 911 emergency calls regarding a disturbance and an exchange of gunfire. Initial callers described an argument between two subjects, later identified as **Joshua Lathrop** and **Terrone Bell** at the intersection of Sunset Lane and Wright Drive inside the trailer park. **Bell** was armed with a handgun; **Lathrop** was unarmed.

During this initial confrontation, three other subjects entered the fray: **Tyler Bell** (**Terrone's** twin brother), **Truman Harris** and **Chad Harris** (no relation to **Truman Harris**). **Truman Harris** and **Chad Harris** had handguns; **Tyler Bell** did not. This confrontation escalated into a frenzied gun battle involving the five subjects. All three subjects wielding handguns, **Terrone Bell**, **Truman Harris** and **Chad Harris**, fired their weapons during this violent encounter. A total of 25 shots were fired.

Gunpowder smoke permeated the air when the first Hiawatha officer, Chad Breidinger, arrived on the scene. His initial impression was that of complete chaos. He found four male subjects suffering from gunshot wounds lying within a matter of feet from each other at the intersection of Sunset Lane and Wright Drive. Two 9mm handguns were recovered from the intersection. Numerous bystanders in high state of emotion had gathered at the scene.

One of the four gunshot victims was **Joshua Lathrop** (age 31). He was found in the middle of the intersection and pronounced dead at the scene. An autopsy later showed **Lathrop** was shot twice. One bullet entered his left chest perforating his heart and lungs. A second bullet penetrated his left hand and lodged into his right forearm. Both bullets were recovered.

Toxicology testing showed Lathrop had an alcohol level of .212 or over 2 ½ **times the legal limit** to drive.

The other three subjects suffering gunshot wounds survived. **Terrone Bell** (age 22) was in serious condition having suffered a multitude of gunshot wounds mostly concentrated around his chest and abdomen with bullets also striking his arms and legs. He was rushed to the University of Iowa Hospital where he spent nearly three weeks recovering from his injuries. Medical records showed no alcohol or drugs of abuse in his system.

His twin brother, **Tyler Bell**, was shot four (4) times suffering wounds to his right shoulder, right hip, right elbow and left hand. Medical records showed no alcohol or drugs of abuse in his system.

Finally, **Chad Harris** (age 42) was shot three (3) times suffering gunshot wounds to his right shoulder, right buttocks and left thigh. **Harris** had an alcohol level of .162 or about twice the legal limit to drive.

Apart from the four gunshot victims found at the intersection, investigators found a bullet had entered the trailer located at 222 Sunset Lane, just east of the intersection. In addition, three bullets had struck the driver's side of a vehicle parked outside this residence.

An investigation was conducted after emergency responders tended to the dead and injured. The Hiawatha Police Department was assisted by the Iowa Division of Criminal Investigation, Iowa State Patrol, Cedar Rapids Police Department and the Linn County Sheriff's Department. The scene was secured, evidence was collected (including all three handguns involved), roughly 400 photographs were taken and about 20 witnesses were interviewed. Investigators set out to determine what led to the gun battle and the following sequence of events was determined.

Tyler Bell lived in the trailer park with his girlfriend, Selena Straka, her sister, Ashley Mundy and husband, Chris Mundy. On the evening of the shooting, Ms. Straka reported to Ashley and Chris that she had been attacked by two unknown male subjects while taking a walk by herself in the trailer park. In response to Ms. Straka's account, Chris Mundy armed himself with a knife and began looking for the alleged attackers in the trailer park.

Ms. Straka also called her boyfriend, **Tyler Bell**, about the attack. **Tyler Bell** was with his twin brother, **Terrone Bell**, when he received the news and the two drove together to the trailer court. They parked on Sunset Lane, just west of the intersection where the confrontation later occurred. **Terrone Bell** had two handguns in his car and provided one, a 9mm Hi-Point handgun, to his brother, **Tyler Bell**. Chris Mundy met them at their vehicle and the three of them discussed the alleged attack on Ms. Straka. Chris Mundy then returned to his trailer while **Terrone and Tyler Bell** began walking through the trailer court to search for the alleged attackers.

A resident of the trailer park, Arnold Lusk, reported seeing **Terrone and Tyler Bell** walking up Wright Drive. One of the two openly displayed a handgun, loaded a clip into the weapon and

tucked it into his waist band. The two were vocal yelling words to the effect of “gonna get somebody”. **Tyler** eventually reached his trailer at 76 Joanne Lane and deposited his handgun in his vehicle, a 2019 Honda Civic. **Tyler Bell** may have entertained reservations about carrying a handgun because he did not have a legal permit to carry a firearm.

Shortly thereafter, Arnold Lusk, who also lived on Joanne Lane, was approached by **Joshua Lathrop**, a resident of the trailer park. Lusk advised **Lathrop** he had seen subjects walking with guns through the trailer park and warned **Lathrop** to be careful because one of the two had a gun. About that time, **Lathrop** yelled at Chris Mundy about guns being displayed in the trailer park. Mundy described **Lathrop** as “sh**faced” and “in the mood to fight”.

About that time, **Tyler and Terrone Bell** began walking back down Wright Drive in the direction of where **Terrone** had parked his vehicle. **Lathrop** yelled at them demanding to know what they wanted and what they were looking for. Arnold Lusk again warned **Lathrop** to be careful because one of them had a gun.

Terrone Bell continued walking and was confronted by **Joshua Lathrop** at the intersection of Sunset and Wright Drive. Several witnesses described an argument that ensued between the two lasting several minutes.

During the argument, **Lathrop** was heard demanding to know why **Terrone Bell** was in the trailer court, why he had a gun and demanding to see it. **Bell** responded by advising he didn’t need to show his weapon and that he had a legal permit to carry (which was later verified). The argument intensified as **Lathrop** demanded to know why **Bell** was in the trailer court insisting that he leave. **Bell** was heard advising **Lathrop** he had a legal permit to carry and was trying to leave but **Lathrop** was in his way. **Bell’s** car was parked on Sunset Lane behind **Lathrop**. Essentially, **Lathrop** was between **Bell** and his vehicle. A resident of the trailer park yelled at **Lathrop** to let **Bell** get to his car.

Several residents heard the argument between **Joshua Lathrop** and **Terrone Bell** and, despite knowing that **Bell** was armed with a gun, elected to insert themselves into the confrontation to assist **Lathrop**. Two such subjects were **Yvonne Ramsey** and her nephew, **Truman Harris**. They lived together on Sunset Lane directly west of the intersection. (**Terrone Bell’s** vehicle was parked in front of their trailer). **Yvonne Ramsey** exited her trailer carrying an aluminum baseball bat. **Truman Harris** followed her armed with his .40 caliber Smith and Wesson handgun. They approached the intersection directly behind **Joshua Lathrop** who was still squared off with **Terrone Bell**.

Chad Harris also lived on Sunset Lane to the east of the intersection. He was good friends with **Joshua Lathrop**. He was outside his trailer and watched the argument develop between his friend **Joshua Lathrop** and **Terrone Bell**. **Harris** became alarmed when he heard **Terrone Bell** make reference to having a gun. He decided to come to the aid of his friend and retrieved his 9mm Smith and Wesson handgun from inside his trailer. **Chad Harris** then exited his trailer and approached the intersection from the east, behind **Terrone Bell**. At this point, **Truman Harris**,

Joshua Lathrop , **Terrone Bell** and **Chad Harris** were essentially in a straight line (extending west to east) on Sunset Lane.

Finally, **Tyler Bell**, who was still in the vicinity, heard the commotion and ran south on Wright Lane to assist his brother.

The argument between **Joshua Lathrop** and **Terrone Bell** escalated and witnesses observed **Lathrop** punch **Bell** in the face. Stephen Heise, whose trailer was near the intersection where the confrontation occurred, saw **Lathrop** strike **Bell**. He indicated the force of the blow nearly knocked **Bell** backward onto a vehicle parked in their driveway. Witness accounts begin to materially diverge at this stage of events.

Terrone Bell told investigators that after being punched by **Lathrop**, he saw **Truman Harris** armed with a gun running in **Bell's** direction. (**Harris** would have been approaching from behind **Lathrop** at this time). **Bell** thought **Harris** was about to shoot him. **Bell** responded to the threat by pulling his gun out of his sweatshirt and "may have fired once" but wasn't certain because he was then quickly hit by gunfire.

Truman Harris claimed he saw **Terrone Bell** shoot **Lathrop**. **Harris** claimed **Bell** then began to shoot at him and his aunt, **Yvonne Ramsey . Harris**, who claimed a bullet grazed his leg, emptied his fourteen (14) round clip, firing as he ran from behind **Joshua Lathrop** in the direction of **Terrone Bell**. **Harris** stated that "bullets were flying everywhere". After the exchange of gunfire ended, he placed his .40 caliber Smith and Wesson handgun back into his trailer.

Yvonne Ramsey , who had left her trailer with her nephew **Truman Harris** , claimed she did not witness anyone firing a gun. She further claimed she never saw her nephew, **Truman Harris**, with a gun and did not know him to own a gun. These claims seem dubious given her presence at the scene.

Chad Harris , who was approaching the intersection from behind **Terrone Bell**, told investigators he was hit by gunfire (presumably from **Truman Harris**) and, upon being hit and falling to the ground, returned fire in the direction of **Truman Harris** , who was behind **Lathrop**.

Tyler Bell was near the intersection when he saw **Lathrop** punch his brother, **Terrone** , in the face. He stated gunshots then erupted and he immediately got stuck by gunfire and went down. **Tyler Bell** did not see who fired first or who shot him.

Arnold Lusk was one of the first 911 callers and was on the line with dispatchers when the gun battle broke out. It appeared to him that **Lathrop** had reached for **Bell's** gun which began a struggle. **Lusk** ducked behind a shed when gunfire broke out.

Arnold Lusk's call to an emergency dispatcher recorded the exchange of gunfire and a copy of his 911 call was sent to the Mid-States Organized Crime Information Center (MOCIC) in Springfield, Missouri. A digital forensic analysis showed there were two volleys of shots fired. Initially, fourteen (14) shots were fired in rapid succession. There was a lull of 29 seconds

followed by another volley of eleven (11) shots for a total of twenty-five (25) shots fired. Fourteen (14) of the shots were fired by **Truman Harris** who was using a .40 caliber handgun. The remaining eleven (11) shots were fired by **Terrone Bell** and **Chad Harris** who both had 9mm weapons. The forensic analysis could not determine which weapon was fired first or the exact sequence of the shots fired by the three subjects who discharged their weapons.

All three handguns were recovered and referred to the Iowa DCI lab to compare with the two bullets recovered from **Joshua Lathrop** during his autopsy. A DCI criminalist specializing in firearms identification determined the bullet entering **Joshua Lathrop**'s chest was fired from the gun of **Terrone Bell**. The bullet found in Lathrop's right forearm was fired from the gun used by **Truman Harris**. No bullets were recovered from **Terrone Bell**, **Tyler Bell** or **Chad Harris** so comparable ballistics comparisons could not be made.

All four principle participants in the altercation, **Terrone** and **Tyler Bell**, **Truman Harris** and **Chad Harris** freely and voluntarily spoke to investigators about their role in the shooting incident. None of them requested the assistance of an attorney. The three who fired weapons, **Terrone Bell**, **Truman Harris** and **Chad Harris**, adamantly claimed they did so to defend themselves or to defend another person.

2. Conclusions of Law

Chapter 704 of the Iowa Code sets forth the law on justification, otherwise known as self-defense. It provides that a person may use deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another.

Iowa law on self-defense does not require a person act with perfect judgment. A person acting in self-defense may be wrong in their estimation of danger or the force necessary to repel the danger as long as there is a reasonable basis for the belief of the person and the person acts reasonably in response to that belief. A person acting in self-defense has no duty to retreat or seek an alternate course of action as long as they are not engaged in illegal activity.

If a person using deadly force is charged with a crime, the burden is on the State to prove the person was not acting in self-defense. Someone who asserts a valid claim of self-defense is immune from criminal or civil liability.

The facts gathered by investigators showed, without question, that **Joshua Lathrop** was the catalyst of this violent encounter. He was the initial physical aggressor in a confrontation that ignited a larger conflict. He deliberately confronted a person he knew to be armed, prevented that person from peacefully leaving the scene of the conflict and assaulted him by striking him in the face. The fact **Lathrop** was heavily intoxicated at the time may have played a factor in his course of conduct.

Terrone Bell, for his part, did not exercise good judgment either. It had to have been alarming to the residents of the Sunset Village Mobile Home Park to see a subject parading down their street, openly displaying a gun and yelling “gonna get somebody”. If someone had been attacked in the mobile home park (an allegation investigators were never able to confirm), the proper course of action would be to notify the authorities rather than setting out with a gun to seek some sort of “street justice”.

However, it was not unreasonable for **Terrone Bell** to use deadly force to defend himself under the circumstances. **Bell** was prevented from reaching his car to leave the scene and was struck in the face by **Joshua Lathrop**. **Bell** then observed **Truman Harris** running in his direction with a handgun. **Bell** thought he was about to be shot when he tried to defend himself by firing his weapon. In his interview, **Bell** claimed he did not reach for his gun until he saw **Truman Harris** running at him with a gun. **Bell** could not recall who he shot at (although one of his shots obviously hit **Lathrop**) but both **Joshua Lathrop** and **Truman Harris** posed a real and imminent threat to **Bell** when he fired his weapon.

Truman Harris claimed he fired at **Terrone Bell** in defense of himself and his aunt, **Yvonne Ramsey**. **Harris** claimed he saw **Bell** shoot **Lathrop** and then claimed **Bell** start shooting at him and his aunt. Presumably, some of the fourteen shots fired by **Truman Harris** struck **Terrone Bell**. However, in the process of shooting at **Bell**, one of his shots hit **Joshua Lathrop**. His shots also hit **Chad Harris** who was approaching from behind **Terrone Bell**. Even further, one of his shots hit a trailer home and three other shots struck a parked vehicle in the vicinity. Although some of his shots intended for **Terrone Bell** were errant shots, one can conclude he was acting in defense of himself and his aunt who he thought was about to be shot by **Terrone Bell**.

Finally, **Chad Harris**, who joined the fray to protect **Joshua Lathrop**, claimed he fired only after being hit by shots fired by **Truman Harris**. One of his shots may have grazed the leg of **Truman Harris** but it is impossible to know for sure.

A factual issue that muddles a conclusive determination about a claim of self-defense is the lack of clear evidence about who shot first. **Truman Harris** claimed **Terrone Bell** fired first. However, a witness to the shooting, **Mary Meyer**, who was watching from her kitchen window, stated to investigators that after the first wave of gunfire, she saw **Joshua Lathrop** and **Chad Harris** still standing. Even if **Terrone Bell** was the first to fire, he claimed he did so only because he thought **Truman Harris** was about to fire at him. **Chad Harris** claimed he fired his gun only after he was struck by gunfire.

It is well-settled that the evidentiary standard for a criminal conviction in court is proof “beyond a reasonable doubt”. When a defendant asserts a claim of self-defense, the state must prove beyond a reasonable doubt the defendant was not acting in self-defense.

Having thoroughly examined the investigative materials and considered the unique facts and circumstances of this case, it is my legal conclusion charges cannot be filed because the state

could not disprove the claims of self-defense asserted by **Terrone Bell**, **Truman Harris** and **Chad Harris**.

All three claim they used deadly force in response to a like threat. It also appears these three principal participants, as well as **Joshua Lathrop**, were voluntary mutual combatants in this violent encounter. The conflicting accounts of the witnesses to this gun battle preclude a determination about who was the primary physical aggressor. The only individual who will be charged with a crime out of this incident will be **Tyler Bell** for allegedly carrying a firearm in a public place without a legal permit to carry.

Respectfully submitted,

Jerry A. Vander Sanden
Linn County Attorney