



**Patricia W. Perlow**  
**Lane County District Attorney**

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## NEWS RELEASE

**Date/Time of Release:** January 24, 2018, 2:15pm  
**From:** Patty Perlow, District Attorney  
**RE:** IDFIT investigation 1/15/2018

District Attorney Patty Perlow has reviewed the investigation of the Inter-Agency Deadly Force Investigative Team relating to the January 15, 2018 Officer Involved Shooting and determined it was a lawful use of deadly force.

On Monday, January 15, at approximately 4:00 p.m., deputies with the Lane County Sheriff's Office were notified of a suspicious vehicle at 559 Clairmont Drive, an unincorporated area of Lane County in Eugene.

Deputy Richard Smith, a three year veteran with the Lane County Sheriff's Office, arrived in the area at approximately 4:48 p.m., and with the assistance of a local area resident, observed a stolen vehicle parked in the driveway of 559 Clairmont Drive.

Deputy Smith could not see that the vehicle was occupied when he arrived, and while confirming the license plate of the vehicle, both the driver, Robert Martinez, Jr., and the passenger, Miles Smith, exited the vehicle. Deputy Smith gave commands to both men to get back in the vehicle, and then to get on the ground, but neither complied.

Deputy Smith pointed his Taser at Martinez as Martinez walked toward the front door of 559 Clairmont Drive, and warned him that he would be tased if he did not get on the ground. Rather than comply, Deputy Smith reported, and video surveillance captured from a nearby residence confirmed, Martinez instead grabbed toward his right jacket pocket and produced a semi-automatic handgun. Witness statements, including Miles Smith, confirmed that Deputy Smith provided audible warnings prior to using his Taser. Miles Smith also confirmed that Martinez was reaching for what he believed was a gun.

Deputy Smith deployed his Taser, which had no effect, prior to transitioning to his handgun, and fired at Martinez until Martinez went to the ground and was no longer an immediate threat to Deputy Smith. Deputy Smith reported that Martinez was raising the gun toward him when he shot at Martinez, and believed he would have been shot had he not fired first.

The investigation showed that Deputy Smith discharged his Taser at Martinez, but it was not effective, as one probe struck his sweatshirt and the other did not make contact.

After additional units arrived on scene, Deputy Smith moved Martinez to a position of cover. The passenger had fled the scene and his whereabouts were unknown at this time. Once in a position of cover, responding officers from the Eugene Police Department took over providing care for Martinez, until medics from the Santa Clara Fire Department and Eugene/Springfield Fire Department assumed care for, and transported Martinez to the hospital, where he died a short time later.

During the entire incident, Deputy Smith displayed a calm demeanor that can be attributed to his training and professionalism. The citizens of Lane County can be proud of the men and women in law enforcement who respond with courage to these dangerous events every day. We should be grateful as a community that we have people willing to serve us in this way.

LINK TO VIDEO:

<http://lcpubw05.lanecounty.org/Information/DA/incidentclipcroppedandslowed.wmv>