



# JOSHUA ROBINSON

Prosecuting Attorney  
Nineteenth Judicial District West  
Benton County, Arkansas

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September 6, 2024

Special Agent Jana Cordes  
Arkansas State Police – Company D  
1120 W Monroe Avenue  
Lowell, AR 72745

Chief Ray Shastid  
Bentonville Police Department  
908 SE 14<sup>th</sup> Street  
Bentonville, AR 72712

Re: USE OF FORCE

Dear Special Agent Cordes and Chief Ray Shastid:

The Office of the Prosecuting Attorney has completed its review of the investigative reports surrounding the officer-involved shooting at or near 900 Sandrock Road in Bentonville, AR. I have reviewed the Arkansas State Police (“ASP”) investigative file, including interviews and other relevant evidence. It is the opinion of this office that the action of the law enforcement officer in discharging his weapon was justified under the laws of the State of Arkansas.

This decision is governed by Arkansas Code Annotated § 5-2-610, Use of Physical Force by Law Enforcement Officers, which reads, in pertinent part, as follows:

(b) A law enforcement officer is justified in using deadly physical force upon another person if the law enforcement officer reasonably believes that the use of deadly physical force is necessary to:

(1) Effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or

(2) Defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of deadly physical force.

Under Arkansas law, deadly force is statutorily defined as “physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury” A.C.A. § 5-2-601(2). After reviewing the investigation, I am convinced that the following things are true: 1) Officer Omri-Andrew Nutt (“Officer Nutt”) used deadly physical force upon Nathaniel Crabtree (“Crabtree”); 2) Officer Nutt reasonably believed the use of deadly physical force upon himself, at the hands of Crabtree, was imminent.

Just before 6:00 pm on July 11, 2024, an individual called 911 to report that his wife (“Victim 2”) had just been kicked in the chest by an unknown male (later determined to be Crabtree). Specifically, the victim was in her driveway when Crabtree ran at her from across the street, leapt into the air, and kicked her forcefully in the chest. This was captured on video, which ASP collected as evidence and included in the investigative file. During this 911 call, another individual approached on a bicycle and reported that a different woman (“Victim 1”) in the neighborhood had been struck in the back by a concrete retaining wall block moments earlier by an unknown man matching Crabtree’s description. Investigators took photographs of a concrete retaining wall block on the ground, clearly removed from a nearby yard, as well as photographs of the injury sustained by Victim 1.

Dispatch called this information out to on-duty officers in real time, as the reporting party was relaying the information. Approximately three minutes into the 911 call, the dispatcher relayed the following over the radio: “972 be advised: the reporting party is saying that he had a gun in his hand.” Additionally, dispatch relayed the approximate location of the crimes, the reported direction of travel, and Crabtree’s description.

Officer Nutt was starting his lunch break within a few streets of the reported crimes and the approximate location of the suspect. Officer Nutt checked in with dispatch as responding to the call. Responding from near the scene, Officer Nutt did not activate lights and sirens, which would have automatically activated his department issued body worn camera. Rather, Officer Nutt drove at normal speed to the reported address while scanning the neighborhood for Crabtree. Officer Nutt was driving on Fieldstone when he saw Crabtree walking down the road.

Officer Nutt recognized Crabtree as the suspect due to the clothing description. Crabtree walked off the sidewalk and entered the street. Crabtree approached Officer Nutt, still in his patrol car. Officer Nutt did not activate his emergency lights to avoid spooking Crabtree. Officer Nutt unsuccessfully attempted to manually activate his camera system while putting the patrol car into park. When dispatch called out, “972 be advised: the reporting party is saying that he had a gun in his hand,” as referenced above, Officer Nutt was unclear as to whether it was the suspect, or someone else, that was armed. Crabtree approached with a clenched fist against his chest. Officer Nutt thought he saw something black in Crabtree’s hand, though, he was not certain. Crabtree stopped walking in the street and positioned in front of Officer Nutt’s patrol car. Officer Nutt exited the patrol car and drew his firearm, because he believed Crabtree might possess a gun. Officer Nutt gave verbal commands for Crabtree to get onto the ground and show his hands. Crabtree did not comply. Crabtree was smiling and saying, “F\_\_ you.” Crabtree advanced toward Officer Nutt standing at the driver’s side of the patrol car. Officer Nutt backpedaled to create distance. At that point, reaching the rear of Officer Nutt’s patrol car, Crabtree began to flank Officer Nutt. Officer Nutt understood the need to stop Crabtree. Officer Nutt pulled his Taser, which is a left-hand draw. Officer Nutt lowered his firearm and pointed the Taser at Crabtree, who continued to smile and advance toward Officer Nutt. Officer Nutt deployed his Taser when Crabtree was approximately 7 to 10 feet away. Crabtree flinched, but the Taser appeared ineffectual.

After the Taser deployment, and despite Officer Nutt’s commands, Crabtree continued to advance rapidly. It appeared to Officer Nutt that Crabtree was concealing something that may be used to hurt him. Officer Nutt was overcome with a deep fear that the subject was going to try to kill him. Officer raised his sidearm, aimed at center mass, and fired one shot. Crabtree said, “Ouch,” turned,

and ran away. Officer Nutt believed that Crabtree had only sustained a superficial wound, until Crabtree eventually fell to the ground. Officer Nutt approached and kept cover over Crabtree until other responding officers arrived; at which point, officers rendered aid and attempted life-saving measures until EMTs arrived.

This investigation reveals that, in the early evening of July 11, 2024, Nathaniel Crabtree violently attacked two separate women in front of their homes. Officer Omri-Andrew Nutt responded and approached Crabtree without lights and sirens, used verbal engagement, gave ground, and used non-lethal force in an effort to avoid the result that eventually became unavoidable. Despite these efforts, Mr. Crabtree refused to comply with the commands of the officer and eventually forced Officer Nutt to act in self-defense. Considering the totality of the circumstances, Officer Nutt had a reasonable belief that Mr. Crabtree would imminently use deadly physical force against him. Based upon the foregoing, Officer Nutt's use of force was justified under Arkansas law.

Sincerely,

A handwritten signature in blue ink, appearing to be 'JR', with a long horizontal flourish extending to the right.

Joshua Robinson  
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