



**INDEPENDENT INVESTIGATIONS
DIVISION**

Report Concerning the Police-Involved Death in
Wicomico County on November 2, 2025

March 11, 2026

Public Release: March 18, 2026

The Declination Report Concerning the Police-Involved Death of David Evans on November 2, 2025

The Independent Investigations Division of the Maryland Office of the Attorney General (the “IID”) is charged with investigating “police-involved incidents that result in the death of individuals or injuries likely to result in death.”¹ If the Office of the Attorney General determines that the investigation provides sufficient grounds for prosecution, then the IID “shall have exclusive authority to prosecute the offense.”²

I. Introduction

On November 2, 2025, at approximately 7:00 p.m., officers with the Salisbury Police Department (SPD) were attempting to locate David Evans, a suspect in a homicide that occurred earlier that day. SPD officers located Mr. Evans in the driveway of a residence on the 700 block of Jefferson Street. Mr. Evans walked over to the front end of a pickup truck parked in the driveway and placed a handgun on the hood of the truck. SPD officers gave Mr. Evans repeated commands to keep his hands up and to move away from the truck. Mr. Evans did not comply; instead, he grabbed the handgun. Multiple SPD officers discharged their service weapons, striking Mr. Evans. Officers provided medical aid until emergency medical services (“EMS”) arrived and transported Mr. Evans to a local hospital, where he was pronounced dead.

After completing its investigation and evaluating all the available evidence, the Office of the Attorney General has determined that the subject officers did not commit a crime under Maryland law. Accordingly, the Office of the Attorney General has declined to prosecute any of the subject officers in this case.

The IID’s investigation focused exclusively on potential criminal culpability relating to the subject officers’ conduct. By statute, the IID only has jurisdiction to investigate the actions of police officers, not those of any other individuals involved in the incident. Moreover, the IID’s analysis does not consider issues of civil liability or the department’s administrative review of the subject officers’ conduct. Compelled statements by subject officers may be considered in civil or administrative proceedings but may not be used in criminal investigations or prosecutions due to the subject officers’ Fifth Amendment rights. If any compelled statements exist in this case, the IID has not considered them in this investigation.

This report is composed of a factual narrative followed by a legal analysis. Every fact in the narrative is supported by the evidence obtained in this investigation, including forensic and autopsy reports, police radio transmissions, dispatch records, police reports, police body-worn camera footage, photographs, department policy, and interviews with civilian and law enforcement witnesses. The subject officers in this case did not make statements to the IID, which had no impact on the prosecutorial decision.

¹ Md. Code, State Gov’t § 6-602 (c)(1).

² Md. Code, State Gov’t § 6-604 (a)(1).

The legal analysis explains why the Office of the Attorney General will not bring charges under the relevant Maryland statutes.

This investigation involved one decedent and three subject officers:

- A. The decedent, David Evans, was 40 years old at the time of the incident. He was a Black male who lived in Salisbury, Maryland.
- B. Officer Orlando Theiss has been employed by SPD since December 2019. He is a White male, and at the time of the incident was 33 years old.
- C. Officer Sean Kassouf has been employed by SPD since June 2021. He is a White male, and at the time of the incident was 31 years old.
- D. Officer Chase Ryan has been employed by SPD since September 2023. He is a White male, and at the time of the incident was 26 years old.

Any other officer identified by name in this report is a witness officer. Their names have been included only to clarify the facts presented.

The IID reviewed all available departmental disciplinary records and criminal histories of the involved parties and, where they existed, determined that none were relevant to the legal analysis.

II. Factual Summary

On November 2, 2025, at approximately 5:00 p.m., Maryland State Police (“MSP”), with the assistance of SPD officers, responded to a residence located on North Westover Drive in Salisbury, Maryland for a reported shooting. At the residence, officers found two victims, a man and a woman, suffering from gunshot wounds. Both victims were transported to a local hospital where the female victim was pronounced dead. Based on information gathered early in the investigation, MSP identified David Evans, who had been romantically involved with the female victim, as a suspect in the shooting. MSP began trying to locate Mr. Evans.

At approximately 6:50 p.m., MSP received information that Mr. Evans was driving a black Jeep in the area of Priscilla and Hammond Streets. MSP relayed this information to SPD, who then sent officers to the area to search for Mr. Evans. A witness officer located a black SUV matching the description behind a store at the intersection of Priscilla Street and Hammond Street. The officer radioed that, as he was driving to the back of the store, he saw a heavy-set black male wearing a gray sweatsuit walking away from the SUV. The SPD officer who had been transmitting information from MSP confirmed that the description matched Mr. Evans.

At approximately 7:00 p.m., an SPD K9 officer and his K9 began tracking Mr. Evans. Officer Antonio Gutierrez³ and Officer Theiss, both carrying their department-issued rifles,

³ SPD Officer Gutierrez was present during the incident, and although he is named within this report, he is not a subject of this investigation.

followed to assist. Other SPD officers continued searching for Mr. Evans in the area. A few minutes into the search, an SPD officer radioed that Mr. Evans could have either “a 9mm or a 357” handgun. A couple of minutes later, another officer relayed over the radio that a resident had called 911 to report that a man matching Mr. Evans’s description had been seen around the homes on the 700 block of Jefferson Street. The K9 officer and Officer Gutierrez responded to that location, and they continued tracking Mr. Evans up the street, followed closely behind by Officer Kristopher Garrison⁴ and a witness officer. As the officers approached a driveway between two homes, the K9 began pulling forcefully on his leash and signaling with his head. A red pickup truck was parked in the driveway. Officer Gutierrez shined a light towards the driveway, at which time the officers saw Mr. Evans walking out from behind a bush on the side of one of the homes.⁵ The K9 officer and Officer Gutierrez immediately yelled for Mr. Evans to show his hands.



Image 1: A still photo from the K9 officer’s body-worn camera, showing Mr. Evans (circled in blue) walking towards the pick-up truck with his hands raised.

Mr. Evans put his hands in the air and walked out across the front of the truck, stopping at the driver’s side corner. Mr. Evans then placed two objects on the hood of the truck. Officer Gutierrez moved closer to Mr. Evans, stopping at the back of the truck on the driver’s side, while the K9 officer moved to the end of the driveway. Officer Gutierrez told Mr. Evans to walk towards him and to keep his hands in the air. Seconds later, Officer Garrison approached with his department-issued handgun pointed at Mr. Evans, stopping behind the corner of the house on the passenger side of the truck. Officer Garrison yelled for Mr. Evans to show his hands and get on the ground. Mr. Evans held his hands in the air and told the officers both that there was a lady in

⁴ SPD Officer Garrison was present during the incident, and although he is named within this report, he is not a subject of this investigation. Any other SPD officers on scene who did not have direct contact with Mr. Evans are identified in this report as “witness officers.”

⁵ The home where SPD officers located Mr. Evans is less than a quarter mile from where officers found the black SUV.

the truck and that it was just his phone on the truck.⁶ Officer Gutierrez repeatedly instructed Mr. Evans to walk towards him. In response, Mr. Evans asked the officers to come and get him. They said, “No.”

During this time, Officer Kassouf and Officer Ryan arrived, stopped behind Officer Garrison, and pointed their department-issued handguns at Mr. Evans. Mr. Evans again told the officers that there was a lady in the truck. In response, Officer Garrison told Mr. Evans to keep his hands up and not to move. Officer Garrison approached the truck, knocked on the passenger side window, and told the female driver to get out of the vehicle. The driver exited the truck, and a witness officer walked her to the end of the driveway.

As the driver got out of the truck, Officer Garrison pointed to the hood of the truck and yelled, “Gun, gun, gun!” Officers Ryan and Kassouf moved up against the truck, standing on either side of Officer Garrison. The officers repeatedly yelled at Mr. Evans to back up from the gun. Mr. Evans did not move and instead said, “It’s not loaded.” Officer Gutierrez continued instructing Mr. Evans to walk towards him. All the officers repeatedly told Mr. Evans to keep his hands up and not to touch the gun. Officer Kassouf warned Mr. Evans that if he touched the gun, he would be killed.



Image 2: A still photo from Officer Kassouf's body-worn camera, showing Mr. Evans in front of the pickup truck with a handgun (circled in blue) on the hood of the truck.

Officer Theiss and two witness officers arrived. Officer Theiss approached the truck, standing next to Officer Kassouf, and pointed his rifle at Mr. Evans. Officer Garrison, who had holstered his handgun and pulled out his department-issued Taser, told the other officers he was going to tase Mr. Evans. While the officers continued ordering Mr. Evans to step back from the

⁶ When interviewed by investigators, the driver of the pickup truck said that she saw Mr. Evans put something on the hood of the truck. She initially thought it was a phone, but then she realized it was a handgun.

gun, Mr. Evans grabbed the handgun. As Mr. Evans began raising the handgun from the hood of the truck, Officer Garrison discharged his Taser, and Officers Ryan, Kassouf, and Theiss discharged their firearms,⁷ striking Mr. Evans. Approximately one and a half minutes passed from when SPD officers found Mr. Evans to when the officers fired at Mr. Evans. Officers fired at Mr. Evans approximately ten seconds after Officer Theiss arrived and moved up to the truck.



Image 3: A still photo from Officer Kassouf's body-worn camera, showing Mr. Evans grabbing and raising the handgun (circled in green).

Mr. Evans fell to the ground onto his stomach. His handgun dropped to the ground next to him. Officer Gutierrez approached and kicked Mr. Evans's gun towards the back of the truck, where it was later recovered. At the same time, the other officers approached Mr. Evans and ordered him to show his hands, which were under his stomach. Mr. Evans did not respond. After approximately three minutes, a witness officer and Officer Ryan rolled Mr. Evans over and put handcuffs on him. Officers then began rendering medical aid to Mr. Evans while waiting for EMS to arrive. Once EMS arrived on scene, they transported Mr. Evans to the hospital, where he was pronounced dead shortly after arrival.

III. Supplemental Information

A. Autopsy

⁷ Officer Gutierrez pulled the trigger in an attempt to discharge his rifle; however, there was no round in the chamber, so the rifle did not fire.

On November 3, 2025, the Office of the Chief Medical Examiner (the “OCME”) performed an autopsy of David Evans. The Medical Examiner concluded that multiple gunshot wounds caused Mr. Evans’s death and determined that the manner of his death was “Homicide.”⁸

Mr. Evans sustained ten gunshot wounds, including entrance wounds to his chest, abdomen, and arms. There was no evidence of close-range discharge of a firearm on the skin surrounding any of the gunshot wounds.

B. Firearms Recovery and Ballistics Information

An MSP Crime Scene Technician (CST) recovered Mr. Evans’s handgun, a purple and black SCCY PX-2, and a magazine loaded with six 9mm Luger cartridges, from the driveway near the back end of the red pickup truck.



Image 4: A photo of Mr. Evans’s purple and black handgun recovered from the driveway.

An MSP CST also recovered the subject officers’ firearms. Specifically, from Officer Ryan, the CST recovered a Glock 45 with one 9mm Luger cartridge in the chamber and a magazine loaded with twelve 9mm Luger cartridges. From Officer Kassouf, the CST recovered a Glock 45 with one 9mm Luger cartridge in the chamber and a magazine loaded with nine 9mm Luger cartridges. The magazines recovered from Officer Ryan and Officer Kassouf hold up to seventeen cartridges. From Officer Theiss, the CST recovered a Daniel Defense DDMK18 5.56 caliber rifle and a magazine loaded with twenty 223 REM FC cartridges. The magazine recovered from Officer Theiss holds up to thirty rounds. From the driveway, the CST recovered nine 223 REM FC cartridge casings and nine 9mm Luger cartridge casings.

C. Department Policy

SPD provides officers with written policies and procedures, as well as practical training, in the use of force, including written directives relevant to this investigation.

SPD’s Use of Force policy (Section 1001) states that an officer may use deadly force only when the officer has a reasonable belief that doing so is necessary to protect the officer’s own life or the lives of any others in “immediate danger of serious bodily injury.” The policy further specifies that, when feasible, officers should give a verbal warning prior to using deadly force. Additionally, the policy mandates that SPD officers use de-escalation techniques, when reasonable, prior to using force to reduce the need for force. Such techniques could include verbal

⁸ Manner of death is a classification used to define whether a death is from intentional causes, unintentional causes, natural causes, or undetermined causes. The OCME uses five categories of manner of death: natural, accident, suicide, homicide, and undetermined. “Homicide” applies when death results from a volitional act committed by another person to cause fear, harm, or death. This term is not considered a legal determination; rather, it is largely used to assist in the collection of public health statistics. *A Guide for Manner of Death Classification*, First Edition, National Association of Medical Examiners, February 2002.

persuasion, advisements, and warnings. Finally, the policy requires officers to provide medical aid “as quickly as reasonably possible” to anyone who is injured due to a law enforcement action.

IV. Legal Analysis

After a criminal investigation, prosecutors must determine whether to bring criminal charges against a person to hold them accountable pursuant to Maryland law. When making that determination, prosecutors have a legal and ethical duty to only charge a person with a crime when they can meet the State’s burden of proof; that is, when the available evidence can prove each element of that crime beyond a reasonable doubt. Prosecutors must also determine whether the accused person could raise an affirmative defense. In those cases, prosecutors not only need to prove the crime, but they also must determine whether the evidence could disprove the defense beyond a reasonable doubt. Ultimately, the decision to bring any charges rests on whether the available evidence is sufficient for prosecutors to meet those standards.

Based on the evidence, three relevant offenses were considered in this case. The first offense is Maryland’s Use of Force Statute, which makes it a crime for officers to intentionally use excessive force.⁹ The second and third offenses are homicide related charges due to the intentional killing of a person.

There is insufficient evidence to prove that the subject officers committed the aforementioned crimes. Accordingly, the Office of the Attorney General will not pursue criminal charges against any of the subject officers. This report explains in further detail why, based on the evidence, a prosecutor could not prove beyond a reasonable doubt that any officer committed a crime.

A. Maryland Use of Force Statute

Proving a violation of the Use of Force Statute requires a prosecutor to establish beyond a reasonable doubt that a subject officer:

- (1) used force that was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person, or to accomplish a legitimate law enforcement objective;
- (2) intended to use force that was excessive, *i.e.*, not necessary and proportional under the circumstances; and
- (3) the use of excessive force resulted in serious bodily injury or death.¹⁰

As it is undisputed that the subject officers fired their weapons and shot Mr. Evans, which resulted in his death, only the first two elements are at issue.

Determining whether an officer’s use of force is “necessary and proportional” to prevent an imminent threat of physical injury to someone, or to accomplish a legitimate law enforcement objective, is a fact-specific inquiry. Generally, a use of force is considered “necessary and

⁹ See Md. Code, Public Safety § 3-524(d)(1).

¹⁰ MPJI-Cr 4:36 (3d ed.2024).

proportional” when: 1) an officer had no reasonable alternative available under the circumstances; 2) the kind and degree of force was appropriate in light of the officer’s legitimate law enforcement objective; and 3) given the context, the force used was not likely to result in harm that was too severe or disproportionate to the officer’s law enforcement objective.¹¹ When a factfinder—either a judge or a jury—conducts this analysis, they must consider the totality of the circumstances, including, but not limited to, the nature of the call for service, what occurred in the moments before force was used, what the subject officers knew at the time force was used, and the time and distances involved.¹²

Based on the totality of the circumstances, there is insufficient evidence to prove beyond a reasonable doubt that the subject officers used force beyond what was necessary and proportional to prevent Mr. Evans from posing a danger to themselves or to others.

With respect to whether the use of force was necessary, the subject officers knew Mr. Evans was the suspect in a homicide involving a gun that had occurred earlier in the day. As such, when the subject officers located Mr. Evans in the driveway, they had a legitimate law enforcement objective to apprehend him. During their encounter with Mr. Evans, the subject officers made repeated efforts to take Mr. Evans into custody without using force. The subject officers repeatedly advised Mr. Evans to keep his hands up and move away from his handgun. Mr. Evans refused to comply with these orders. Further, in accordance with their departmental policies, the subject officers warned Mr. Evans that they would use deadly force against him if he touched his handgun. Despite the subject officers’ commands, warnings, and attempts to de-escalate the situation, Mr. Evans grabbed his handgun and began to raise it up towards the subject officers. Mr. Evans’s decision created an immediate threat to the safety of the officers on scene, necessitating the use of deadly force in response.

Next, we consider whether the kind and degree of force used by the subject officers was proportional to the imminent threat of harm presented by Mr. Evans. Here, Mr. Evans refused to comply with the officers’ repeated commands to keep his hands raised, to step away from the handgun, and to not touch the handgun. Instead, Mr. Evans grabbed his handgun and began raising it up off the truck. This conduct by Mr. Evans presented an imminent threat of serious harm or death to the officers on scene. Under these circumstances, we cannot defeat a claim that the subject officers’ use of force in response was proportional.

Against this backdrop, there is insufficient evidence to prove beyond a reasonable doubt that the subject officers’ use of force was not necessary and proportional to prevent an imminent threat of physical injury to themselves or another person. Accordingly, the Office of the Attorney General will not charge the subject officers with a violation of the Use of Force Statute in this case.

B. Homicide Offenses

When a person is killed, there are four homicide charges that a prosecutor may consider in the State of Maryland:

¹¹ For a more detailed discussion of the “necessary and proportional” standard, see [this opinion](#) written by the Office of the Attorney General. 107 Op. Atty. Gen. Md. 33(2022).

¹² *Id.*

- First Degree Murder: the willful, deliberate, and premeditated killing of another.¹³
- Second Degree Murder: when the defendant intended to kill or inflict such serious injury that death would be the likely result and there was no justification or mitigating circumstances.¹⁴
- Voluntary Manslaughter: an intentional killing that is not murder because the defendant acted in partial self-defense.¹⁵
- Involuntary Manslaughter: when the defendant acted with gross negligence and that conduct caused the death of another.¹⁶

First Degree Murder was not considered in this case because there is no evidence to support that the shooting of Mr. Evans was premeditated. Specifically, premeditation requires a prosecutor to prove that “the design to kill must have preceded the killing by an appreciable length of time, that is, time enough to be deliberate.”¹⁷ This inquiry requires a fact-specific evaluation, in which the factfinder should consider the totality of the circumstances, including whether an individual is defending themselves against deadly force.¹⁸ In this case, because the evidence shows that the shooting of Mr. Evans was intentional but not premeditated, Second Degree Murder and Voluntary Manslaughter are the appropriate homicide offenses that remain for consideration.

If the evidence indicates that there is legal justification or certain mitigating circumstances involved, such as self-defense, then a prosecutor could not prove the remaining homicide offenses against the subject officers.¹⁹ A police officer’s use of deadly force is legally justified if it is in complete self-defense, in defense of others, or in furtherance of law enforcement related duties.²⁰

Complete self-defense, also known as perfect self-defense, and defense of others exist when the accused: (1) was not the initial aggressor (or did not raise the level of force to deadly force); (2) had the subjective belief that they or another person were in immediate or imminent danger of serious harm or death and that belief was objectively reasonable; (3) used force that was not more than what was reasonably necessary in light of the threat or actual force; and (4) used force for the purpose of aiding the person that they were defending.²¹ Complete self-defense and defense of others are affirmative defenses, meaning that a prosecutor must prove beyond a reasonable doubt that one of the elements of either defense is not applicable.

When an officer has sufficient probable cause to believe that a person poses a “threat of serious physical harm,” then the officer may use deadly force,²² and the reasonableness of that

¹³ MPJI-Cr. 4:17 (3d ed. 2024)

¹⁴ *Id.*

¹⁵ MPJI-Cr 4:17.2 (3d ed. 2024)

¹⁶ MPJI-Cr. 4:17.8 (3d ed. 2024)

¹⁷ *Tichnell v. State*, 287 Md. 695, 717 (1980)

¹⁸ *See Purnell v. State*, 250 Md. App 703, 714-715 (2021).

¹⁹ *See Malaska v. State*, 216 Md. App. 492, 517-522 (2014).

²⁰ *Id.*; MPJI-Cr 4:17.3 (3d ed. 2024).

²¹ *Porter v. State*, 455 Md. 220, 234-36 (2017); MPJI-Cr 4:17.2, *supra*.

²² *Estate of Blair v. Austin*, 469 Md. 1, 24 (quoting *Tennessee v. Garner*, 471 U.S. 1, 11 (1985)).

decision must be viewed from “the perspective of a reasonable police officer similarly situated.”²³ In practice, this means that a factfinder must consider that police officers often work under rapidly changing circumstances and that what constitutes a reasonable use of force may change from moment to moment.²⁴

The evidence shows that Mr. Evans was the aggressor. Specifically, Mr. Evans possessed a handgun within close reaching distance and started lifting that handgun up towards the subject officers. Further, during the subject officers’ encounter with Mr. Evans, he refused to comply with their repeated commands to move away from the handgun and to not touch the handgun. Mr. Evans ignored the subject officers’ repeated attempts to de-escalate the situation. Given these circumstances, and the fact that the subject officers knew Mr. Evans was the suspect in a shooting death that had occurred just hours earlier, we cannot prove that it was unreasonable for the subject officers to believe that their own lives, and the lives of their fellow officers, were in immediate danger when Mr. Evans grabbed his handgun. Similarly, we cannot prove that it was unreasonable for the subject officers to use deadly force in response to the threat Mr. Evans’s actions presented.

Based on the investigation, the actions of the subject officers do not constitute the crime of Second-Degree Murder. We cannot overcome any of the elements of complete self-defense or defense of others. Moreover, because complete self-defense and defense of others also apply to Voluntary Manslaughter²⁵, we could not prove any homicide offense in this matter. Accordingly, the Office of the Attorney General will not charge the subject officers with a homicide offense.

VI. Conclusion

This report has presented factual findings, legal analysis, and conclusions relevant to the November 2, 2025, police-involved death of David Evans in Salisbury, Maryland. The Office of the Attorney General has declined to pursue charges in this case because, based on the evidence obtained in its investigation, the subject officers did not commit a crime.

²³ *State v. Albrecht*, 336 Md. 475, 501 (1994); *State v. Pagotto*, 361 Md. 528, 555-556 (2000) (quoting *Graham v. Conner*, 490 U.S. 386, 397 (1989)).

²⁴ *Id.*

²⁵ *State v. Faulkner*, 301 Md. 482, 485 (1984).