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Date of Release: February 21, 2025
From: Christopher J. Parosa, District Attorney
RE: OSP/LCSO Officer Involved Shooting on December 27, 2024, E. Five Rivers Rd

At around 10:57 PM on December 26, 2024, Lane County Sheriff's Office dispatch received a call from Tyler Holloway reporting a gunshot wound at 95535 E. Five Rivers Road in Tidewater, Oregon. According to Holloway, the assailant was an individual known to the apparent victim, Holloway and two female companions at the property. The suspect fled from the large shop the group was socializing in and was armed with .38 caliber pistol. Holloway also reported that the assailant had shot at him and the other two witnesses as he fled the shop. The location of the assailant was currently unknown, but he resided on the property and had access to other firearms.

During the initial 911 call, Holloway indicated that the gunshot victim remained in the shop. While the status of the victim was initially unknown, Holloway and his female companions later opined to the dispatcher that the victim was deceased. The callers also stated that they were going to travel away from the E. Five Rivers Road property. However, subsequent communications from another resident on the property, Dan, indicated that Holloway and the females returned to the shop and were awaiting police contact at that location.

The property on E. Five Rivers Road is a sprawling 100 acres property in a particularly remote area of northwest Lane County. The property lies only a few miles south of the Lincoln County line in a heavily wooded area with limited roadway access. There are numerous homes and outbuildings spread out across the property. Responding law enforcement were not aware of the exact location of the shop on the property.

Due to a winter storm in the region, access to the property from the south, using Highway 36 and the necessary forest service roads, was impeded by fallen trees and washed-out roadways. Thus, Lane County Sheriff and Oregon State Police units traveling from the south reported to dispatch that all responding officers must find another route. The only other means of access was to travel via Highway 34 from the north to Alsea and south down E. Five Rivers Road. Based on this remote location and the fact it would take Lane County Sheriff and Oregon State Police units from the Eugene/Springfield metro area up to three hours to travel to the property, the Lane County Sheriff's Office requested the assistance of personnel from the Lincoln County Sheriff's Office, the Benton County Sheriff's Office, and Oregon State Police personnel from outside area commands. All units converged to a makeshift command post that was established approximately one mile from the property at 95535 E. Five Rivers Road.

Because of the rural nature of the property, with dense wooded areas, numerous residences and outbuildings, and the fact that the whereabouts of the assailant, a resident of the property, were unknown, the Lane County Sheriff's Office activated the Special Response Team. This team is comprised of members the Lane County Sheriff's Office and Springfield Police Department that are specially trained in Special Weapons and Tactics (SWAT) and Forced Entry Tactics. In addition, Oregon State Police activated members of its regional SWAT team to respond to the command post.



[Aerial view showing the boundaries of the 100 acre property](#)



[Aerial view showing a cluster of buildings on the property](#)

As personnel from numerous agencies began to arrive at the command post, it became evident to officers on scene that radio communications and cellular service were not available due to the

geographical and topographical setting of the area. This frustrated responding officers' ability to communicate with dispatch and coordinate resources sent to the scene. By 1:00 AM, units at the command post began to launch drones, including a drone with infrared technology, to identify people and vehicle movements on the property and between the various structures located thereon. The drone footage, viewed in real time by officers at the command post, provided the opportunity for police personnel to understand the general layout of the property, isolate the location of the shop, and determine the locations of individuals traveling on and about the property. Because the location of the assailant was unknown, the drones flew surreptitiously at an elevation that would reduce the risk of alerting a potentially lurking assailant to their presence. This meant that the drones were unable to capture images with sufficient resolution to identify the individuals observed on the property or to capture the specific layout of the area around the shop. Initial imaging obtained through drone footage showed at least one apparent male subject moving around outside the shop, traveling by vehicle around the shop and walking to and from brush in areas around the property. Law enforcement officers were concerned that the assailant may have remained on the property and at or near the shop.

By 2:15 AM, the Oregon State Police activated a SWAT response, calling for 8-12 SWAT members and an armored Bearcat to respond to the scene. At 3:40 AM, Sergeant Vanmeter of the Oregon State Police arrived on scene and began to receive a briefing from Lane County Sheriff supervisors on the scene. Unfortunately, at that point, the information known to law enforcement was limited to the initial details of the original 911 call from Holloway and the limited observations from drone footage. Officers on scene did know that E. Five Rivers Road was blocked to the south of the property, which would force anyone, including the assailant, leaving the property in a vehicle to drive north toward the law enforcement command post. To obtain additional clarification of the circumstances on the property, the Lane County Sheriff's Office made efforts by telephone to contact "Dan." Dan is an uninvolved resident on the property that had previously reached out to law enforcement to provide additional information that he had received from Holloway and his female companions over the last several hours. Dan told LCSO detectives that he had been to the shop where Holloway and the females were located and awaiting police contact. Dan could not, however, contact Holloway and the women because his residence was some distance from the shop and there was extremely limited cellular service in the area.

Recognizing the need to get law enforcement personnel to the property to render aid, protect the lives of occupants on the property, verify the reported crime had occurred and preserve the crime scene, Sergeant Vanmeter began to develop a plan to approach the property. The need to act to preserve life and the integrity of any crime scene evidence was balanced with the significant perceived threat to law enforcement caused by an outstanding assailant that had resided on the property for years and was therefore far more familiar with it than any of the responding law enforcement could hope to be. Vanmeter was concerned that the assailant might have been awaiting a law enforcement response that could provoke further violence against law enforcement.

Because Lane County Sheriff and Oregon State Police armored vehicles were still more than an hour from arriving on scene and there was a small bridge over a creek leading to shop that may not support the weight of an armored vehicle, Vanmeter approved a covert approach to the property. The plan included the use of a seven person SWAT insert team approaching the property on foot by walking south from the command post, down E. Five Rivers Road to the property. From there, the insert team would establish a perimeter around the shop to establish who may or may not be in the area. Once a perimeter was secured, the SWAT officers planned to hail the occupants in the shop to draw them out and walk them, under heavy observation, to the receiving SWAT members on scene. The insert team was comprised of six Oregon State Police SWAT members and one Lane County Sheriff's Office SRT member.

A secondary rescue/response team employing additional officers and vehicles would be staged a short distance further from the shop without headlights or police lights activated, for fear of alerting the assailant. This secondary team was to respond to the scene in the event the occupants of the shop could be extracted and detained or the assailant were to engage in a gunfight with SWAT members. The rescue/response team was comprised of two SWAT trucks and two marked police units. All members of

the insert and rescue/response team were commanded to use a secure radio channel to communicate, which was hampered by line of sight and limited range.

At approximately 4:30 AM, the insert and rescue/response team deployed from the law enforcement command post and made their way to the property. As the insert team approached the property, they observed a person get into a vehicle at the shop and drive across the bridge toward a residence some distance away. Once the vehicle was gone, the insert team continued to the shop moving in three separate teams to locations around the structure. While the insert team was setting up a perimeter around the shop, armored vehicles began to arrive at the law enforcement command post nearly a mile away. Those armored vehicles, however, were unable to navigate around the numerous law enforcement vehicles that were blocking travel on E. Five Rivers Road.

Once the insert team had established a perimeter around the shop, Detective Sergeant Chad Rogers of the Lane County Sheriff's Office relayed that he had received a call from Dan. Dan informed him that there were three people at the shop and that those individuals were awaiting law enforcement's arrival. Dan confirmed, through Detective Sergeant Rogers, that he was unable to communicate with the individuals in the shop because he was neither at that location nor had a means of relaying any messages to them. It was unclear at that point who had been observed driving away from the shop as the insert team and rescue/response team approached, and Sergeant Vanmeter feared that it may have been the assailant. Senior Troopers Smith, Henrick, Rossman and Wyatt Merritt were insert team members stationed to north end of the shop. They expressed concern that the bridge over the creek, which provided access to the shop area, would not support the tremendous weight of an armored vehicle. Thus, the vehicle logjam blocking the armored vehicle path seemed no longer material.

Senior Trooper Daniel Merritt, Senior Trooper Brandon RatheLeGurche and Deputy Taylor Trimboli were concealed in the tree line just to the east-northeast of the shop. The shop was observed by law enforcement on scene to be a large building that was fully enclosed by four walls and a large door on the southern end of the building, and partially enclosed by two walls on the northern portion of building. The open covered area of the structure had walls on the south and west sides, but was open to the east and had large flood lights illuminating the area. Those flood lights cast light through the entirety of the covered shop bay below, the large door leading to the fully enclosed southern portion of the building and much of the parking area immediately to the east. Senior Trooper Dan Merritt took up a position in the tree line just south of Deputy Trimboli and Senior Trooper RatheLeGurche. Merritt was east of the parking area and just to south of the large door to the enclosed area of the shop. Deputy Trimboli, was behind a tree just north of Merritt, and Senior Trooper RatheLeGurche was behind a tree just a few feet north of Deputy Trimboli. Senior Trooper Dan Merritt's SWAT uniform was not outfitted with a body camera system. Deputy Trimboli and Senior Trooper RatheLeGurche's SWAT uniforms were equipped with body camera systems, but neither system was activated at this time.¹

At 5:35 AM, as the rescue/response team was beginning to approach the property to get trucks across the small bridge to the parking area just outside of the shop, Senior Trooper Dan Merritt announced over the radio that someone had exited the shop. Merritt further announced his intention to call out to the individual. Senior Trooper Dan Merritt was in a good position to get a visual of the individual. According to his written statement, he observed a young male with long hair that did not match the description of the assailant. Senior Trooper Merritt also saw that the individual was carrying items in both hands, including an object that appeared to be handgun. It was at this point, according to the written statements provided by Merritt, Trimboli and RatheLeGurche, that Senior Trooper Dan Merritt announced

¹ Body camera systems are equipped with a "covert" setting that allows the camera to operate without light or sound being emitted. Senior Trooper Rathe Le Gurche written statement to IDFIT investigators indicates that he believed he activated covert mode on his body camera upon leaving the law enforcement command post at around 4:38 AM. IDFIT investigators later determined the camera was not operating and recording until well after the officer-involved shooting at 5:35 AM. In fact, the only body camera footage of the officer-involved shooting was recorded by Senior Trooper Wyatt Merritt who was positioned several hundred feet north of Senior Troopers Dan Merritt, Rathe Le Gurche and Deputy Trimboli's position. That video does not capture any exchanged communications, but you clearly hear one shot followed a couple of seconds later by numerous gunshots.

“State Police” and commanded the individual come to their location. It should be noted that heavy rainfall at the time made it more difficult to hear. Apparently, upon hearing Senior Trooper Merritt’s, the individual stopped, seemingly startled, turned toward Senior Trooper Merritt’s location, yelled something, raised his arm and fired a shot in Senior Trooper Merritt’s direction. Senior Trooper Merritt, Deputy Trimboli and Senior Trooper RatheLeGurche immediately raised their weapons and returned fire. The man, later identified as Tyler Holloway, turned and ran back into the enclosed sections of the shop, disappearing from the sight of these officers. During the gunfire, a propane tank located in the shop was struck by a bullet, which caused gas to leak from the propane tank and cloud the area with gas.

The women in the shop heard Holloway yell, “you motherfucker!” before gun fire erupted. RatheLeGurche and Senior Trooper Dan Merritt state in their reports that Holloway said something to the effect of “you motherfuckers!” While not a material difference bearing on the legality of the use of deadly force which I must determine in this analysis, the content of Holloway’s yelling as reported by the two ear witnesses closer to him in the shop does potentially inform us as to Holloway’s state of mind: it is my belief, under the totality of the circumstances, that Holloway believed the activity that called his attention to Senior Trooper Dan Merritt’s location was done by the assailant.

Senior Trooper Dan Merritt announced over the radio that shots had been fired. At this point, Merritt, Trimboli and RatheLeGurche held their position in the tree line as the rescue/response team pulled into the driveway leading to the shop with their police lights activated. After a short period of time, officers could hear a female screaming from inside of the enclosed portion of the shop. Moments later, a female appeared in the doorway and exited into covered area. The female began hiding behind equipment and other items as she seemed to be fleeing from the shop. Merritt, Trimboli and RatheLeGurche called out to her to put her hands up and come out from behind the tires she was hiding behind. When the female was noncompliant, Senior Trooper RatheLeGurche fired a single round from his 40 mm less lethal rifle in the woman’s direction, as officers continued to call out to her. The woman was then seen moving back toward the doorway to the closed shop before disappearing for several minutes.

Eventually, the same female returned to the doorway, exited the shop, approached the police vehicles with her hands in the air, and was detained by officers. Shortly thereafter, a second woman appeared in the doorway and was detained. Both women were taken to police vehicles and interviewed by arriving detectives. Initial interviews with the women revealed that they were under the misimpression that the original assailant had returned just prior to police arrival and killed Tyler Holloway. The women also expressed repeated frustrations that law enforcement took more than five hours to respond to their initial calls for assistance.

Once the women were extracted, law enforcement used a drone to fly into the enclosed portion of the shop. Inside the shop, police observed two individuals that appeared to be deceased lying on the ground near each other. The first was later identified as the named victim of the homicide initially reported to law enforcement that evening. The second, matching the description of the individual that fired at Senior Trooper Dan Merritt, was later identified as Tyler Holloway. Once deemed safe, investigators from the Lane County Sheriff’s Office and the Interagency Deadly Force Investigation Team (hereinafter “IDFIT”) entered the enclosed portion of the shop and confirmed that both individuals were deceased. There was a small semi-automatic handgun on the ground next to Tyler Holloway. A subsequent autopsy performed on Tyler Holloway discovered that he was killed by a single shot from a high velocity round to his chest.

The primary responsibilities for investigation of the officer-involved portion of the investigation was assigned to the Eugene Police Department on the morning of December 27, 2025. Members of the Eugene Police Department’s Forensic Evidence Unit conducted a thorough search of the shop and the surrounding area. The Forensic Evidence Unit observed, photographed and seized a 9mm Canik semi automatic handgun that was loaded with 9mm WIN Luger cartridges next to Tyler Holloway’s body. The firearm had one 9mm WIN Luger cartridges in the chamber and nine 9mm WIN Luger cartridges located in a magazine on the floor at the south end of the pool table. A 9mm WIN Luger cartridge casing was

located on the floor in the opening of the west side door, and three 9mm WIN Luger cartridge casing were recovered from the floor just east of the east side door near the north exterior wall.

Senior Troopers Dan Merritt and RatheLeGurche and Deputy Taylor Trimboli provided IDFIT investigators with a walkthrough of the crime scene. During these independent walkthroughs, each officer showed investigators the location they were in at the time of the gunfight. Senior Trooper Dan Merritt was armed with a Noveske .223 rifle with a Huxworx suppressor loaded with Speer Gold Dot 62g ammunition that was photographed and seized by IDFIT investigators. Next to the tree that Senior Trooper Merritt indicated he had been hiding behind, forensic investigators found six Speer .223 cartridge casings.

Deputy Taylor Trimboli was armed with a PWS MK1 5.56 mm rifle loaded with WMA 20 ammunition that was photographed and seized by IDFIT investigators. Forensic investigators located 10 WMA 20 5.56 cartridge casing located on the ground near the position Deputy Trimboli indicated he been standing when the shots were fired. Finally, Senior Trooper RatheLeGurche was armed with a .40 mm less lethal rifle and his duty pistol, a Smith & Wesson 9mm semi automatic. Forensic investigators located 13 FC 9mm Luger cartridge casings and one .40 less lethal cartridge case on the ground near the location RatheLeGurche said he had been standing when the gunfight erupted.

On January 30, 2025, lead investigator Detective Trevor Hart of the Eugene Police Department presented me with a briefing and completed investigation. Over the next two weeks, I reviewed the entirety of the investigation and believe it was thorough and complete. Detective Hart was highly responsive to my requests for additional forensics testing on bullets that had been recovered by the Forensic Evidence Unit in the structure of the shop, which yielded no additional evidence of the round that killed Tyler Holloway.

I turn now to the factual and legal analysis that is my duty to document under these circumstances. I must first clarify that the responsibility of a District Attorney is to determine whether, under Oregon law and the totality of the circumstances known, any involved officer(s) bears criminal responsibility for the actions taken. It is not the responsibility of the District Attorney to evaluate tactical decisions made by an agency or agencies involved in a deadly force incident unless those decisions directly inform the mens rea (the mental requirement) and actus reus (the physical aspect) of a criminal act. Many factors beyond the control of law enforcement caused supervisors on scene to choose to make the decisions they did in approaching the shop covertly on the morning of December 27, 2024. For example, an unfamiliar, densely wooded, remote location, weather and technological limits on communications, largely unclear circumstances of the transactions between the people at the property, and a homicidal suspect whose whereabouts were unknown all contributed to this tragedy. My responsibility is not to question those tactics, but rather to determine whether Senior Trooper Dan Merritt, Senior Trooper Brandon RatheLeGurche and/or Deputy Taylor Trimboli bear criminal responsibility for the killing of Tyler Holloway. Under the circumstances of this case, they do not.

The death of Tyler Holloway does not constitute a criminal homicide under Oregon law because Senior Trooper Dan Merritt, Senior Trooper RatheLeGurche and Deputy Trimboli had the legal justification of self-defense and defense of others. ORS 161.233(1)(a) provides that a police officer “may use physical force upon another person only when it is objectively reasonable, under the totality of the circumstances known to the [police] officer, to believe that the person poses an imminent threat of physical injury to the [police] officer or a third person.” The statute further provides that the force used by a police officer may only be to “the degree that the [police] officer reasonably believes necessary to prevent physical injury.” ORS 161.233(2). In the manner in which this event unfolded, with immediate gunfire upon law enforcement initiated by Holloway, there was no window of opportunity for de-escalation per ORS 161.233(3) that would have also protected the life and safety of the officers that were being fired upon.

In this case, Senior Trooper Merritt, Senior Trooper RatheLeGurche, and Deputy Trimboli were aware of a purported gunshot wound on the property earlier that evening. The specific details of the potential homicide, including the circumstances or people involved, were largely unknown at the point

Senior Trooper Merritt attempted to contact Tyler Holloway outside the shop on December 27, 2024. Although Senior Trooper Merritt did not believe Mr. Holloway was the identified assailant, none of the involved officers knew who Mr. Holloway was or the role he played in the alleged crime that occurred. More important to the criminal analysis, at the point Tyler Holloway turned and fired his pistol in Senior Trooper Merritt's direction, likely assuming it was the at-large assailant, he inadvertently created a mortal threat to the life of Senior Trooper Merritt and the other officers on scene. Senior Trooper Merritt, Senior Trooper RatheLeGurche, and Deputy Trimboli each perceived a reasonable threat to Merritt's life. Had they failed to react immediately, whether to provide verbal warnings or engage in de-escalation tactics, they faced the unjustifiable risk of Mr. Holloway firing additional rounds at Trooper Merritt or other officers. Consequently, each officer was legally justified in self-defense or defense of other.

Under the totality of the circumstances, it is my conclusion that Holloway was startled by Senior Trooper Merritt's attempt to identify himself from the darkness of the tree line outside the shop, which was audibly obscured by ambient conditions such as heavy rain. I find no evidence in this investigation to support the notion that Tyler Holloway would have knowingly fired a gun at law enforcement officers that he called to the scene for assistance. This case is a tragedy for all involved.