



OFFICE OF THE DISTRICT ATTORNEY  
JACKSON COUNTY, OREGON

BETH HECKERT  
DISTRICT ATTORNEY  
CRIMINAL DIVISION

PRESS RELEASE

For Immediate Release

June 2, 2023

On June 1, 2023, the Jackson County Grand Jury met to consider the officer-involved shooting and criminal charges regarding the incident involving Lucas Cleveland Atkins (10/29/82). The incident under consideration occurred on May 27, 2023, in Medford.

The Grand Jury was asked to consider two separate issues. First, whether the action of the involved officer was justified as a lawful use of deadly physical force. Oregon law provides that a police officer may use deadly physical force against another person when it is objectively reasonable, under the totality of circumstances known to the peace officer, to believe that the person poses an imminent threat of death or serious physical injury to the peace officer or to a third person, and the use of deadly physical force is necessary to defend the peace officer or a third person from the imminent threat of death or serious physical injury. The second issue for the Grand Jury was if there is sufficient evidence to hold over the suspect on the submitted criminal charges of Burglary in the First Degree and Aggravated Harassment. The Grand Jury did indict him on the listed charges.

In deciding the case, the Grand Jury heard testimony from several witnesses to include the officers who were present at the time of the shooting, neighbors who had observed parts of the incident and a use of force expert from Oregon State Police. Oregon State Police was the lead agency on the case, and was assisted by members of the Major Assault and Death Investigation Unit (MADIU). The MADIU team is comprised of members from the following agencies: Oregon State Police, Medford Police, Jackson County Sheriff's Office, Central Point Police and the Jackson County District Attorney's Office.

**Officer Identified:**

Officer Levi Moffitt has been with the Medford Police Department for more than 20 years.

**Testimony and Evidence Presented to the Grand Jury:**

On May 27, 2023, a neighbor reported to police that someone was trying to break into another neighbor's home. The neighbor provided updates to the police of what they were observing. The suspect had pushed a wheelbarrow loaded with items up close to the front door. The neighbor saw that the suspect was armed with a rifle. The suspect gained entry into the home. No one was home at the house that was burglarized. The neighbor reported they could see the person moving around inside the house; opening upstairs windows. Police arrived. As they attempted to get a perimeter set-up around the house, the suspect exited the front door carrying the rifle. He was given commands to put down the rifle. He retreated back into the residence and closed the front door. A very short time later, he exited the back door and was given commands to put the rifle down by police in the back yard. He again refused to comply with the commands. He then walked out of the backyard, through a side yard and out into the front yard. Officer Moffitt, as well as other officers gave him commands to

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put the rifle down. He replied that he was not going to do that. He started to walk across the street toward another home and Officer Moffitt fired four shots. Officer Moffitt testified that he knew the suspect had burglarized one home and was headed to another home armed with the rifle and Officer Moffitt believed he was an imminent threat to people in that home. At least two bullets struck the suspect. He was provided medical treatment on the scene by police until medical arrived. He was transported to the hospital by ambulance. The investigation revealed that the rifle that Lucas Cleveland Atkins was carrying was loaded.

Grand Jurors were able to view a number of Officer body cams and a patrol vehicle camera that captured the shooting. Our protocols require that a grand jury make the determination as to whether the officer's use of force was justified under Oregon Law. After reviewing all of the evidence, the Grand Jury concluded that Officer Moffitt did act lawfully under Oregon Law. The case was presented by District Attorney Beth Heckert and Senior Deputy District Attorney Patrick Green. Since the defendant is charged with crimes, no further evidence or information will be released; pending the resolution of the criminal case.

**Arrestment:**

On May 30, 2023, Lucas Cleveland Atkins was arraigned on an information charging Burglary in the First Degree and Aggravated Harassment by phone in Jackson County Circuit Court by Judge Moser. His bail was set at \$50,000, with additional conditions of no weapons, no contact with the address and pretrial supervision. He remains under guard in the hospital at this time. His next court appearance has not been set at this time.