

Narrative:

Nez Perce County Sheriff's Department

Date and Time: 4/24/01 at 1330hrs  
Report Type: Aggravated Assault  
Reporting Officers: Deputy Schwan #2530  
Victim: Nathan E. Tyler, 02/29/65  
Suspect: Stephen A. Marshall, 8/09/85

On the above date and time Deputy Rigney and I were dispatched to Culdesac for a report of an assault that had occurred. The victim was reported to be at [REDACTED] and the suspect was at [REDACTED] Ave. in Culdesac.

Upon arrival at [REDACTED] Nathan Tyler came out of the house. Mr. Tyler was asked to explain what had occurred prior to our arrival.

Mr. Tyler explained he had been having problems all year with Stephen Marshall. Mr. Tyler explained they had even got into a fist fight before. All the parents had been brought together in attempt to remedy the situation.

Mr. Tyler said he was walking from his house, past Stephen Marshall's house, heading to tennis practice at the high school. When passing Mr. Marshall's house, classmate Chris Rysdcrf came out and squirted Mr. Tyler with a small squirt gun. Mr. Tyler told him to stop. Chris squirted him a couple more times and Mr. Tyler then grabbed Chris and put him in a head lock with his arm around Chris's neck. Mr. Tyler threw Chris to the ground. Mr. Tyler reported that while Chris was squirting Mr. Tyler, Mr. Marshall was on his own porch laughing at the situation.

Mr. Tyler then heard Mr. Marshall yell in a very serious voice, "Let him go!" Mr. Tyler looked up and saw Mr. Marshall standing in the door way to [REDACTED] with a black gun. Mr. Tyler explained the gun to look like an AR-15 or a SKS rifle. Mr. Tyler described the magazine, the strap for the gun, and the butt of the gun. Mr. Tyler said he then let go of Chris, and walked on down the street.

Mr. Tyler was asked to described his feeling at the point he saw the gun. Mr. Tyler reported he was scared and worried he was going to be shot. Mr. Tyler explained the gun looked very real.

Mr. Tyler said Mr. John Smith was standing in his yard at [REDACTED] Ave. Mr. Tyler explained to Mr. Smith what had occurred and they called the sheriff's office.

Mr. Smith reported he heard yelling going on down the street toward the Marshall residence. Mr. Smith reported seeing Mr. Tyler walking toward away from the Marshall's residence. Mr. Smith stated Mr. Tyler then headed back toward the Marshall's and took another kid to the ground. Mr. Smith then heard Stephen Marshall yell for Mr. Tyler to get off Chris. Mr. Smith saw Mr. Tyler let go of Chris and start walking away. Mr. Smith reported he never saw a gun, and that he never actually saw Stephen Marshall, he only heard him.

Deputy Rigney and I then went to [REDACTED] to contact Stephen Marshall. Upon arrival Mr. Marshall came to the door and contacted us on the front porch.

Mr. Marshall was advised why we were there and was asked where the gun was. Mr. Marshall explained the gun was in a back bedroom. Mr. Marshall began to explain what had happened. Deputy Rigney stopped him and advised him of his miranda warning. Mr. Marshall explained he understood and began to finish his recollection of the events.

Mr. Marshall said Joe Rysdorf dropped off Chris Rysdorf and Mr. Marshall's house. When Chris arrived he told Mr. Marshall he was going to go out and squirt Mr. Tyler. Chris went out and squirted Mr. Tyler. Mr. Marshall said Mr. Tyler was upset and told him to stop. Chris squirted him again. Mr. Marshall said Mr. Tyler then attacked Chris, and threw him to the ground. Mr. Marshall said Mr. Tyler was beating up his friend so the first thing he could think of was to get his gun from the back room. Mr. Marshall said he got the gun, stood in the door way to his house holding the gun, and said, "Nathan let him go!" Mr. Marshall said Mr. Tyler let him go and left.

Mr. Marshall said he never pointed the gun at him and it wasn't loaded. Mr. Marshall said he was protecting his friend and home.

Mr. Marshall was searched, for officer safety, and seated in the back of my patrol vehicle. Mr. Marshall was told he was not under arrest at that time. The windows of the vehicle were rolled down half way and he was not handcuffed.

Deputy Rigney and I then contacted Debra K. Heinzerling, (dob 2/03/55). Mrs. Heinzerling lives across the street from Mr. Marshall and was out in her yard at the time of the incident.

Mrs. Heinzerling reported she did see Joe Rysdorf drop off Chris at Mr. Marshall's. Mrs. Heinzerling then said she was working in the yard and heard the yelling. She looked across the street to see Mr. Tyler on the ground in the middle of the street with Chris. Mrs. Heinzerling then saw Mr. Tyler get up and walk off after she heard Mr. Marshall yell, "Nathan let him go!" Mrs. Heinzerling did not see a gun and she did not see Chris leave.

Sgt Madison was contacted and advised of the situation.

Stephen Marshall was then placed under arrest for felony aggravated assault, handcuffed, and transported to juvenile detention center. Stephen Marshall was turned over to correction staff without incident.

I contacted Mr. Ralph Marshall, Stephen's father, by phone.

The gun was a black Colt Sporter .223, serial # SL017810, with a 30 round magazine. The gun was taken and booked into evidence by Deputy Rigney.