

Charges will not be filed against Indiana State Trooper Daniel Organ in connection with the December 28, 2018 shooting death of Linden resident Glenn Rightsell, according to a press release received today from the Montgomery County Prosecutor, Joe Buser.

"Any time someone dies as a result of police action, hard questions need to be asked and an appropriate investigation needs to be done. Law enforcement obtained and provided to this office an extensive amount of information about the events surrounding this incident. I reviewed it very carefully, and had two of my deputies review it independently as well. The results of the investigation and legal review indicated that a criminal prosecution was not appropriate in this case because there was insufficient evidence to prove that Trooper Organ committed a crime," stated Buser.

In a report posted on the Prosecutor's web site, Buser laid out a chronology of events relating to the shooting, and then stated an analysis of the possibility of obtaining a conviction at trial. The conclusion was that evidence was insufficient to disprove a claim of self-defense beyond a reasonable doubt.

Buser's chronology indicated that Rightsell had notified Montgomery County dispatch that he would be out working on his daughter's disabled vehicle on the day of the shooting. Montgomery County dispatch relayed this information to a dispatcher for the State Police. That dispatcher did not notify troopers patrolling the area, including Organ, according to the report. Organ had tagged the disabled vehicle earlier in the day and had returned to it at the time of the shooting, unaware that Rightsell had called in notifying authorities that he would be working on the vehicle.

According to the reports, which included statements made to authorities by Organ during the investigation, Organ was unaware of Rightsell's identity or background as he approached the disabled vehicle. Organ told authorities he saw through a gap underneath the open hood of the vehicle that a man was in the engine compartment and had a holstered pistol on his right hip. Organ saw that the vehicle north of the disabled SUV had out-of-state plates. He could not tell if that vehicle was occupied.

Organ told authorities that he drew his weapon and held it at the side of his leg pointing downward as he approached. Organ stated that he identified himself loudly, told Rightsell not to reach for his gun, and inquired if he needed help. He said Rightsell made a motion consistent with drawing a gun and placed his hand on his weapon. At that point, Organ fired shots at Rightsell, one of which struck him in the face causing injuries that later resulted in his death while he was receiving treatment at the Emergency Room at Franciscan Health in Crawfordsville. A loaded, functioning pistol was recovered from Rightsell at the scene.

A computer reconstruction showed that Organ's statement as to what was visible to him during his approach toward Rightsell and the vehicles was consistent with the evidence.

In the legal analysis, Buser stated that there was no evidence to show Trooper Organ "acted inconsistently with the training he received in order to become an ISP Trooper." Buser also stated that sufficient evidence showed Trooper Organ "honestly believed a gun was being drawn to shoot him," and that there was no evidence which could be produced at trial to contradict Organ's statements.

Buser stated further that at a trial the burden would be on the State of Indiana to prove beyond a reasonable doubt that Trooper Organ's belief that a gun was being drawn to shoot him was not honest or reasonable. Buser stated that no evidence existed to show beyond a reasonable doubt that belief was not honest or reasonable under the circumstances as they appeared to Trooper Organ at the time. "The State cannot disprove self-defense beyond a reasonable doubt," concluded Buser. "No criminal charges will be filed against Daniel Organ."