

This morning, July 6, 2023, the lead detective assigned to the investigation into the shooting at the “City Lightz Nightclub” on Sunday morning, July 2, 2023 presented the results of the investigation to the Office of the District Attorney. The subject of the presentation this morning was Brandon Young, the individual previously booked on suspicion of Aggravated Battery following the incident.

Additional information has been uncovered by the intervening investigation. Based on the current status of the investigation, Mr. Young was not charged this morning. The decision does not constitute a dispositive ruling. Additional investigation and forensic analysis will continue. Mr. Young will be released from custody after processing out of the adult detention facility later this afternoon.

The matter remains under investigation. Additional suspects are currently being sought by law enforcement. As such, Supreme Court rule 3.6 limits this office’s ability to make further comment. Rule 3.8, which specifically governs the “Special Responsibilities of a Prosecutor,” allows one exception under §(f):

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor’s action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.

Given the legitimate public concern in this matter, a brief explanation as to the analysis regarding the evidence presented this morning against Mr. Young this morning is appropriate.

Video surveillance from inside the club was analyzed over the past several days. Based upon this detailed analysis, Mr. Young appears to have fired a weapon in response to shots fired by two different gunmen within the bar. Based upon the current status of the evidence, Mr. Young appears to have acted in self-defense/ defense of a third party. The law that controls this analysis is as follows:

**21-5222. Same; defense of a person; no duty to retreat.** (a) A person is justified in the use of force against another when and to the extent it appears to such person and such person reasonably believes that such use of force is necessary to defend such person or a third person against such other's imminent use of unlawful force.  
(b) A person is justified in the use of deadly force under circumstances described in subsection (a) if such person reasonably believes that such use of deadly force is necessary to prevent imminent death or great bodily harm to such person or a third person.  
(c) Nothing in this section shall require a person to retreat if such person is using force to protect such person or a third person.

**21-5230. Same; no duty to retreat.** A person who is not engaged in an unlawful activity and who is attacked in a place where such person has a right to be has no duty to retreat and has the right to stand such person's ground and use any force which such person would be justified in using under article 32 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2022 Supp. 21-5202 through 21-5208, 21-5210 through 21-5212, and 21-5220 through 21-5231, and amendments thereto.

**21-5231. Same; immunity from prosecution or liability; investigation.** (a) A person who uses force which, subject to the provisions of K.S.A. 2022 Supp. 21-5226, and amendments thereto, is justified pursuant to K.S.A. 2022 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto, is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer who was acting in the performance of such officer's official duties and the officer identified the officer's self in accordance with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer. As used in this subsection, "criminal prosecution" includes arrest, detention in custody and charging or prosecution of the defendant.

(b) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (a), but the agency shall not arrest the person for using force unless it determines that there is probable cause for the arrest.

(c) A prosecutor may commence a criminal prosecution upon a determination of probable cause.

To overcome self-defense/ stand your ground immunity, the State must come forward with evidence establishing probable cause that the defendant's use of force was not statutorily justified. "This generally means the State must show probable cause that (1) the defendant did not honestly believe the use of force was necessary or (2) a reasonable person would not believe the use of force was necessary under the circumstances." *State v. Phillips*, 312 Kan. 643, Syl. 4 (2021).

The Office of the District Attorney will make no further commentary regarding the facts of this investigation or the analysis concerning Mr. Young while the investigation is ongoing.

Any subsequent charging decisions arising from this investigation will be made public when they occur.

Thank You,  
Marc Bennett