



LANCASTER CITY POLICE DEPARTMENT

NEWS RELEASE

City of Lancaster
Bureau of Police, 39 West Chestnut Street, Lancaster, Pa. 17603
www.lancasterpolice.com

Author: Cpt. Pete Anders

Contact Number: 735-3300

Date: January 30, 2009

Shooting death determined justified

Joint Release of Lancaster County District Attorney's Office and Lancaster Police

On Wednesday, 30 Jul 08 members of the Lancaster City Police responded to the intersection of Penn Avenue and the 200 block of Green Street in response to calls for shots fired. Responding officers were updated that a male was on the ground after having been shot.

Upon arriving and securing the scene, Police Officers located Curtis HOWARD, formerly of Pittsburgh, lying on the ground suffering from an apparent gunshot wound to the head. HOWARD was transported to Lancaster General Hospital where he was later pronounced dead.

During the initial stages of the investigation, Detectives learned Carlos OYOLA of Lancaster City was involved and had fired a gun at the scene. OYOLA was located with the assistance of family members and voluntarily surrendered himself to Police on Saturday, 02 Aug 08. OYOLA was interviewed extensively in the presence of his attorney, charged with a weapons violation by Det Bill Breault and committed to Lancaster County Prison. It had been determined that OYOLA was not licensed to be in possession of a firearm which is a felony offense.

Over the next several weeks, numerous interviews were conducted concerning the shooting and events leading up to the shooting. Through these interviews, Police learned that on 11 Jun 08, HOWARD and Cyhien BARNES, a York City resident, had been released from the Lancaster County Prison on an unrelated charge. Shortly after their release, while walking through the area of Rockland and Juniata Streets HOWARD and BARNES were robbed at gunpoint by a group of males who were brandishing a shotgun. HOWARD and BARNES did not report this incident to the Police.

Later in the evening of 11 Jun 08, members of the Lancaster City Police Street Operations Group and Selective Enforcement Unit arrested several subjects after a vehicle pursuit during which a shotgun was thrown from the vehicle. Through the investigation it was determined that this was the same group that had robbed HOWARD and BARNES. It was further determined that OYOLA had not been part of this group and was not connected to the robbery of HOWARD and BARNES.

BARNES was interviewed on three different occasions by Police concerning these events. During these



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interviews BARNES confirmed that he and HOWARD had been robbed on 11 Jun 08. BARNES admitted that they had gone back to that area on 30 Jul 08 and were actively looking for the group that had robbed them. BARNES stated that they observed a female they recognized from the area they were robbed at walking with a group of young males. According to BARNES, he and HOWARD decided to assault this group after following them with the vehicle they were driving. As the group approached the intersection of Penn Avenue and Green Street, BARNES and HOWARD turned their vehicle in front of the group and cut them off.

Witnesses at the scene described HOWARD as jumping out of the vehicle with his face covered by a bandana and pistol-whipping the female about the head before shots were fired. After the shots were fired, witnesses stated that several people ran from the area. Two of the witnesses were independent witnesses who separately corroborated this information. Evidence technicians did recover a gun at the scene that was apparently dropped by HOWARD.

The interviews with OYOLA were consistent with witness accounts as well as statements from BARNES. OYOLA stated that HOWARD was pistol-whipping the female and had pointed the gun in his direction causing him to fear for his safety. OYOLA stated that he then removed a gun he had concealed on his person and fired in HOWARD's direction resulting in his death.

Because it was apparent that the robbery from 11 Jun 08 had precipitated this incident, Police attempted to pursue this with BARNES. BARNES declined to identify subjects from photo arrays and refused to speak further with Police. Without having a Victim in this matter, Police are unable to proceed any further with that aspect of this investigation.

After completing the investigation, the case was turned over the District Attorney's Office. After a full review of the case, the District Attorney's Office determined that the facts and circumstances support a claim of self-defense or defense of others. Police investigators support the District Attorney's determination that the shooting was justified as self-defense. This potential claim however does not justify Oyola's carrying a concealed firearm without a license. The District Attorney's office is proceeding with the weapons charge, which was returned to Court after the defendant waived his preliminary hearing.



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On January 19, 2009, investigators from Lancaster City Police traveled with members of the District Attorney's Office to Pittsburgh and met with and informed the parents of Curtis Howard of the determination of self-defense.

Oyola remains incarcerated on the Firearms charge, and is presumed innocent until proven guilty in a Court of law.

(end of release)