

INVESTIGATION OF FATAL SHOOTING OF HENRY HENDERSON

MARCH 9, 1972

CASE NO. 0454



WAYNE COUNTY SHERIFF DEPARTMENT

Frans Heideman - Director of Executive Division  
Co-ordinator  
Sergeant Raymond D. Megge - In Charge of Case

INVESTIGATORS:

Patrolman Frank Casdorf - Wayne County Sheriff's Crime Lab.  
Patrolman Earl Blankenship - Internal Security Bureau  
Patrolman Alfred James - Executive Division  
Patrolman Alfred Pawlak - Executive Division  
Patrolman Allen Wallace - Metro Squad  
Secretary Arlis Walker - Internal Security Bureau  
& Detective Bureau



It is the intent of the Investigators to show elements of the crime quoting from:

Michigan State Police Handbook of Criminal Law  
and Procedures ---- Dated November 1969

#### ELEMENTS OF A CRIME (General)

##### Criminal Intent

Intent must be specified in statutory crimes, or it is not necessary to show a specific intent. Such statutes are probably justified on the grounds that criminal intent is implied by the act itself.

##### General Intent

Certain crimes, such as crimes of violence, often do not require proof of specific intent on the grounds that the probable result of the criminal act should have been obvious to the actor.

##### Parties to a Crime

No distinction made in Michigan. All participants are principals. Thus, if a person is involved to the extent he may be charged at all, he may be charged with commission of the offense itself.



In reading from the Detroit Police Department - Homicide Division report dated 3-11-72, I quote:

At approximately 12:06 A.M. on 3-9-72, Stress Unit #2 Able, working in plain clothes on routine patrol in a high-crime area, was manned by Patrolmen Virgil Starkey, James Harris and Ronald Martin. While patrolling in an unmarked vehicle, driving South on Wildemere between Boston and Rochester, Patrolmen Martin and Harris observed a lone N/M walk from a well-lit parking lot at the rear of 3210 Rochester. The subject had a gun in his hand, walked up the North stairwell and entered Apartment 14 at 3210 Rochester.

Again quoting from Preliminary Complaint Report dated 3-9-72, signed by Patrolmen Harris, Starkey and Martin, which is identical to which this Officer just stated - to the point where I quote again:

That they observed the subject carrying a gun in his right hand.

I further quote in a statement of Patrolman James Harris:

That he observed a N/M exit a parked car then walk up stairs.

Also in analyzing a diagram made by Patrolman Harris, he placed the vehicle Northeast of the stairway in the rear parking lot --- the vehicle facing the Southerly direction.

Sheriff's Officers investigation reveals: that on 3-9-72, at approximately 9:30 A.M. the day of the confrontation, Patrolman Robert Booth and civilian Jessie Parker retrieved Patrolman James Jenkins' vehicle (the subject who Stress Officers claim they followed) adjacent to the building, 34 ft West of the stairwell facing a Southerly direction and approximately 134 ft from the mouth of the alley where Stress Officers stated they observed James Jenkins exit the vehicle with a gun in his right hand.



It has been established that there was two (2) sets of keys to that vehicle --- one set was in the possession of James Jenkins, the second set was in the possession of Officer Jenkins' Mother ---- Suzy Parker. Therefore, Stress Officers are in error as to the location of the vehicle. License No. of James Jenkins car --- KNH - 825, registered to a 1970 Chev. 2-door.

On 3-21-72, a test was conducted at the scene of a vehicle turning from Wildemere into the alley going West and parking in the exact location where Patrolman Booth and Jessie Parker stated they picked up the vehicle.

Patrolman Thomas Foster of the Wayne County Sheriff Department, drove this vehicle and his height is 6'4". Upon parking the vehicle in this location Thomas Foster then exited said vehicle and stood for approximately 1 minute.

Witnesses at the scene being:

Mr. James Garber - Prosecutor's Office  
Sgt. Raymond D. Megge  
Patrolman Earl Blankenship  
Patrolman Alfred James  
Patrolman Allen Wallace

Det. Sgt. Baranski - Det. Police Dept. Homicide  
Det. Sgt. Richards - Det. Police Dept. Homicide

Only the head of Thomas Foster was observed when he exited the vehicle, therefore, making it physically impossible to observe anything in the hands of anyone exiting a vehicle at that spot. It must also be remembered here that at the date of the confrontation, this was done at 12:06 A.M.

Therefore, Stress Officers had no probable cause or reason to enter Apartment 14, at 3210 Rochester, therefore, making any and all acts beyond this point unjustifiable.



Again, quoting from the Detroit Police Dept. Preliminary Complaint report, dated 3-9-72, signed by Patrolmen Harris, Starkey and Martin, I quote:

Upon observing the gun Patrolman Starkey stopped the vehicle on Wildemere and Patrolmen Martin and Harris exited the vehicle and ran to the stairs. Patrolman Martin followed by Harris advanced up the stairs. They proceeded to Apartment 14. Patrolman Harris then opened the glass storm door and observed that the inside door was already open. Patrolman Harris had his badge in his left hand and revolver in his right hand. Patrolman Harris stated, "Police Officers" and before Patrolman Harris could say anything further, the man they followed into the Apartment, standing at the back wall of the living room fired three (3) shots directly at Patrolman Harris standing just inside of the doorway. At this time Patrolman Harris fired five (5) shots from his privately owned - Department approved, S & W 38 - Cal revolver, and at the same time backed out the doorway. Martin then ran to the South end of the landing and Harris dove down the stairs. Before Patrolman Harris backed out the door he dropped his badge -#606 inside of the Apartment. Patrolman Harris took cover behind the car parked directly in front of side wall leading to the building on the North side. At this time one of the defendants, not identified, came out onto the landing and started firing several shots at Harris as he was taking cover. Patrolman Harris fired one more shot from the above S & W revolver, emptying it. Almost immediately thereafter the defendant fired what seemed to be several more shots at Patrolman Martin. Patrolman Starkey hearing the gun shots radioed for assistance. Patrolman Starkey then ran to the North side of the building. Patrolman Martin



returned defendants fire by firing one shot from his privately owned Department approved - Colt Cobra - Serial #272647. Patrolman Martin attempted to fire a second time. However, the gun jammed, whereupon he removed his S & W 9 mm Automatic pistol from his holster - Serial #A-148091 and fired three shots at the defendant. The defendant then ran inside of the Apartment.

Sheriff's Investigation reveals: It is impossible at this time to determine as to who fired the first shots.

At this point Patrolman Harris states that he dropped his badge within the Apartment.

Taking into consideration a very thorough search was conducted by the Detroit Police Department and Wayne County Sheriff Department, of not only the Apartment proper but the Sheriff's Officers themselves, and the results are that the only identification found at the scene are those of the Sheriff's Officers and some personal papers belonging to Patrolman Martin, and as of this writing there is no record of the recovery of that badge.

Quoting from Patrolman Harris's statement - 3-9-72:

At this point the rest of the men inside of the Apartment ran onto the landing and continued to fire at me while I was under cover behind a parked car. Patrolman Shiemke - #3222 ran to my side, identified himself verbally, as he was in uniform -- subject still firing and backed into the Apartment.

Investigation disclosed: That Patrolmen Starkey and Martin indicate in their statements dated 3-9-72, that only (1) subject was on the balcony firing.

Secondly, in statement to the Prosecutor, dated 3-22-72, (Asst. Prosc. Richard Padzieski) by Patrolman Shiemke, that he had no conversation with



Officer Harris at all. Further, Detroit Police Department Scientific Lab reports indicate only two (2) weapons were fired --- 1 - 9 mm S & W Automatic and a 5-shot S & W snub nose revolver, for a total of six (6) shots, and that both weapons belonged to James Jenkins.

A report dated 3-22-72, signed by Frank Gasdorf, of the Wayne County Sheriff Department - Identification Bureau, Crime Scene Technician, states the following:

Six (6) rounds fired by Officer Jenkins - Wayne County Sheriff Dept.

Number and Position of holes: Exterior of Apartment #14

- 2 - holes in living room window frame - representing two shots.
- 1 - hole in door of Apt. #2
- 1 - hole in balcony ceiling
- 1 - Ricochet from balcony ceiling

Note: Of 6 shots fired by Officer Jenkins ----

1 shot found in window frame is definitely known to be his.

It is a possibility that 3 more of the exterior shots inflicting damage to the building --- could be his (exterior damage) --- Until investigation is complete.

The 6th shot being from the 9 mm, was found in the Court and the casing of that projectile was found in the doorway of the bedroom. However, in an experiment by this Officer in the location of where Detroit Officers state they were fired from, using a weapon identical to the one fired by James Jenkins, it is obvious to this writer that had James Jenkins, or anyone fired out of the bedroom, if it did not hit anything in the interior of the Apartment or the door leading out of the Apartment, it would have to hit some obstruction on the Apartment across the Court.

However, a thorough search revealed no gun shot hits in that area. In view of this we contend that all six (6) shots, if fired by James Jenkins, was done at the initial phase of the confrontation.



PRC report dated 3-9-72, 12:06 A.M. signed by Patrolmen Dennis Shiemke and David Marshall --- their assignment was Scout 10-22 - quote:

At the above time, the undersigned were working Scout 10-22 in uniform.

We had just made a traffic stop on Rochester E/O Wildemere. As we entered our Veh. we heard (1) shot and then several shots in succession. Patr.

Shiemke then exited the vehicle and ran to the frt. of 3210 Rochester,

Patr. Marshall notified radio -- we were under fire.

Sheriff's Investigation discloses: At no time was Scout 10-22 under fire.

Quote: And then exited the car and ran to the rear of above loc. as Patr. Shiemke entered the Court he heard more shots, and obs. Patr. Martin in a crouching position on the landing of the bldg. Patr. Harris was on the ground at the ground level of the bldg. I ran up to the landing followed by Patr. Harris. Patr. Marshall ran to the rear of the bldg. I entered the Apt. behind Patr. Martin and Patr. Harris. We yelled several times that we were Police Officers. Patr. Marshall followed me into the Apt. Several shots were fired in the Apt.

Quoting from Detroit Police Dept. PRC report dated 3-9-72, signed by Patrolmen Harris, Martin and Starkey - on Page 2.

The def. then ran inside the Apt. Patr. Martin followed him in. Before def. ran inside Patr. Starkey ran up the stairs and followed Patr. Martin inside. Once inside, Patr. Martin and Starkey were fired upon several times by the defendant, one defendant was firing from the rear bedroom.

Sheriff's Investigation disclosed: As indicated earlier in this report, and confirmed by Det. Police Dept. Scientific Lab, that the only weapons fired were two belonging to James Jenkins -- for a total of six (6) shots, five of which are accounted for on the exterior of the bldg. --- the 6th being questionable. Therefore, there can be no doubt in anyone's mind that it would be impossible for them to be receiving any type of gun fire at that time. As stated earlier in this report all shots fired by Sheriff's Officers was at the initial phase of the confrontation.



I observed one of the def. in a prone position to the rear of the front room, I could not see his hand, however, I felt he had a gun where upon I fired (1) shot from Colt 357 Mag. Serial #90146. (which was proven to be, by the Detroit Police Dept. Lab #01698-72 and the Michigan State Police Crime Lab, from the weapon that fired the fatal shot. (Revolver held on evidence Tag 33957).

It is the question of this Investigating Body as to the meaning of his statement insomuch as he had no prior conversation with any Stress Officers, he could not have had any knowledge of how many persons were in the Apartment and where.

In a prone position in the front room I could not see his hand. However, I felt he had a gun, whereupon I fired 1 shot.

What led Patr. Shiemke to believe that the defendant even had a gun, because by his own (Shiemke) statement he stated that several shots were fired in the Apartment but he could not see who was firing them.

Autopsy Report - #A72-469 - Case No. 2398-72 (Henry C. Henderson - 3-9-72)  
Signed by: Walter I. Hofman, M.D. Deputy Medical Examiner

It is my opinion that Henry C. Henderson, a 33 year old Negro male, died of a gunshot wound to the chest. The decedent has been shot at least 4 times; one large caliber bullet plus jacket and fragments were recovered from the body. The gunshot wound of the left forearm is of intermediate range, that is, between 12" to 18" between weapon and decedent, depending on the weapon involved and the ammunition used. The missile tract of the left forearm and the re-entry in the left chest are one and the same wound tract. The two wound tracts on the inferior aspect of the right upper leg were due to fragmented missile parts, and are not indicative of close range firing. An incidental finding at autopsy is severe focal underlying coronary heart disease.

Alcohol ----- Negative  
Barbiturate --- Negative



On 3-10-72, this Investigating Body received information from the Detroit Police Department - Homicide Bureau, that the Autopsy report was not correct. The discrepancy between the Detroit Police Dept. Scientific Lab and the Medical Examiner's Office centers around the missile tract of the projectile of the left forearm and the re-entry into the left chest are one and the same tract. Detroit Police Dept. Scientific Lab, however feels that with the evidence initially given to them was that fragments from a 9 mm projectile was taken out of the missile tract of the left forearm. Therefore, it was their opinion that although the fatal wound is a re-entry wound it would not go through the left forearm.

Apparently Dr. Walter I. Hofman - Deputy Medical Examiner was contacted by either Detroit Police Department or Wayne County Prosecutor's Office, due to the fact that on 3-22-72, an amended conclusion, signed by Dr. Hofman was received, which states:

AMENDED 22 March, 1972 - Autopsy No. A72-469 - Case No. 2398-72

It is my opinion that Henry C. Henderson, a 33 year old, Negro male, died of a gun shot wound to the chest. The decedent has been shot at least 4 times; one large caliber bullet plus jacket and fragments were recovered from the body. The gunshot wound of the left forearm is of intermediate range, that is, between 12" to 18" between weapon and decedent, depending on the weapon involved and the ammunition used. The missile tract of the left forearm and the re-entry in the left chest may be the same wound tract. However, the possibility of a ricochet into the chest, as documented by a "keyhole" entrance wound, cannot be eliminated. The two wound tracts on the inferior aspect of the right upper leg were due to fragmented missile parts, and are not indicative of close range firing. An incidental finding at autopsy is severe focal underlying coronary heart disease.

Alcohol ----- Negative  
Barbiturate ---- Negative



Therefore, it appears at this time that even the Medical Examiner is uncertain as to the tract of the fatal projectile.

Patrolman Marshall fired (1) shot from his Colt .357 Mag. Serial #E-13718 at the def. just to the right of the doorway, who appeared with a pistol in his hand.

Sheriff's Investigating Body questions how Patr. Marshall was able to observe the defendant, who was just to the right of the doorway with a pistol in his hand, when Patr. Shiemke could not see his hands.

Patr. Marshall fired a second shot at the defendant, who appeared from the bedroom.

It is the findings of the Investigating Body that there is no physical or scientific evidence which would indicate that the Detroit Officers were being fired upon from the rear of the Apartment.

By this time we were joined by Patr. Shiemke and Patr. Marshall. Everyone entered the apartment. Patr. Shiemke and Patr. were in uniform. We all yelled several times "We are Police Officer - Come Out"! Patr. Martin fired (6) shots the rear wall at the defendant inside the bedroom. Patr. Starkey fired (5) shots from his S & W .357 Mag. serial #S-274078 towards the same area.

Investigation reveals that: it is inconceivable to imagine Police Officers would openly expose themselves in an open frontal attack against 5 or 6 armed men, as their statement indicates, firing at them. Normal Police Policy in a case such as this would be to await re-enforcement and attempt to use 'tear gas'.

The Investigation further reveals that upon entry into the Apartment by Patrolmen Martin, Harris, Starkey, Shiemke and Marshall --- Patr. Martin fired (6) shots at the rear wall at the subjects in the bedroom and Patr. Sharkey fired (5) shots in the same area.



Insomuch as there is a lack of physical or scientific evidence which would indicate that the Detroit Officers were under fire from anyone in the rear of the Apartment, there is no justification for them to continue firing their weapons. During this time statements from various Officers involved indicate that persons in the rear of the Apartment (bedroom) were yelling and shouting that "We are Wayne County Sheriff's Officers or Police Officers".

Statements from civilian witnesses: Mrs. Barbara Able  
3210 Rochester - Apt. 9 - 361-0546  
Sharon Addison  
2210 Philadelphia - Apt. 104 - 899-3695

verify that the people in the rear of the Apartment identified themselves as Police Officers and at this point and time it appeared to the witnesses the gun fire continued.

From PCR - Dated 3-9-72

Patr. Martin put a fresh magazine in his pistol. Just then another def. later identified as #1 pointed a gun at Patr. Harris and Patr. Martin from around the corner just to the right of the doorway. At this time Patr. Martin fired (8) more shots from his pistol. Patr. Harris fired (6) shots from his revolver just then Patr. Starkey saw one of the defendants reappear from the back bedroom and he fired (6) from his Browning 9 mm Serial 69C5716. At the same time Patr. Marshall fired (1) shot from his Colt .357 Mag Serial E-13718 at the def. just to right of the doorway. He fired a second shot at the def. who appeared from the bedroom. Almost immediately Patr. Shiemke observed a def. on his stomach in a prone position to the rear of the front room feeling def. had a gun Patr. Shiemke fired (1) shot from his Colt 357 Mag serial #90146.

Sheriff's investigation reveals: If Patr. Harris and Patr. Martin observed a gun in the hand of Henderson, it is difficult to understand why Patr. Shiemke, who fired the fatal shot, could not see it also.



Realizing in statements he puts himself directly behind the closet. However, he further states that he did step out to the left and observed a N/M to his right in a prone position.

PCR - 3-9-72 Patr. Stakey further states he saw (1) of the defendants reappear from the back bedroom and he fired (6) rounds from his Browning 9 mm automatic. If, as he stated, one of the persons did appear from the back bedroom -- there is no statement to indicate that that person was either armed or shooting. However, Patrolmen Harris and Starkey immediately opened fire.

Reading from PCR - 3-9-72, signed by Patrolmen Harris, Martin and Starkey:

By this time Patr. Reilley and Patr. Moultrie had entered the apartment, they also were wearing uniforms.

Quoting from Patr. Reilley's typed statement to Detroit - Homicide Bureau, 3-9-72:

Upon our arrival heard shots coming from the above location and observed a black uniform officer on the left side of the door and a white uniform officer on the right side of the door. The occupants inside were firing shots at the Det. officers that were on the outside, and the Det. officers were telling the inside occupants to put down their guns and come out.

Investigation reveals: At that time there was no indication of physical or scientific evident of any outgoing gun fire

When I tried to get up the stairs the occupants inside kept on firing shots.

The Det. officer at this time stated that he had ran out of ammo. black officer. "When I tried to get to him" up the stairs shots were coming out of the room so heavy that I had to back off down the stairs to avoid being hit.

In reading Patr. Matt Reilley's statment it would lead one to believe that all Detroit Officers were at that time under heavy intense gun fire. Further, that it was so intense as he states, that he could not go to the assistance of an Officer who was out of ammunition.



Investigation reveals, as stated earlier in this report and verified by the Detroit Scientific Lab, a total of (6) shots were fired from (2) guns (both belonging to James Jenkins). Further, Sheriff's investigation reveals that of the (6) shots, the first (5) were at the initiation of the confrontation, the 6th is questionable. Again, with the physical evidence available there is no indication that anyone other than the Sheriff's Officers were in any danger or under gun fire. Further, at the time of arrival of Patrolmen Rielley and Moultrie it must be remember that (5) Detroit Police Department Officers were in the living room of the Apartment at that time. Also, if Patr. Reilley was under this intense gun fire there is no indication as to the direction and location.

Sheriff's Investigation reveals: That James Jenkins was hit in the front head and stomach and right arm with the second volley of shots in the bedroom.

PCR Report - 3-9-72, signed by Patr. Harris, Martin and Starkey

Finally one of the defendants yelled from the backroom "I am a Wayne County Sheriff" "I am a policeman too, my badge is out there on the floor".

At this time we all yelled to them to come out and throw their guns out. We

heard and saw several guns fall to floor along with badges and wallets.

Sheriff's Investigation reveals: that the badges were thrown out but there is no way several guns could be thrown out, due to the fact that Patr. Moultrie states that all walked into the bedroom and picked up a gun belonging to Jenkins.

Henderson's gun was already in the possession of Patr. Martin. David Davis's gun was found in the rear of the bedroom, behind the dresser and Henry Duvall's weapon was on his possession, up until such time as he was taken out of the Apartment --- where at this time he informed Patr. Herold of the D.P.D. of its whereabouts and Aaron Vincent's one gun was in a dresser drawer, which was confiscated by the Detroit Police Dept. and the other gun was on the shelf in the kitchen area. Also confiscated at that time was one single shot 12 gauge



belonging to Aaron Vincent and a 22 cal. pen gun confiscated by Detroit Police. Therefore, insomuch as all weapons were accounted for --- there could be no way that weapons could have been thrown to the floor.

Sheriff's Investigation reveals: At this time it can not be determined as to how Sheriff's Officers came from the bedroom to the living room. Detroit Police reports indicate that they walked out of the bedroom, with the exception of Henderson and Jenkins who were wounded. Sheriff's Officers reports indicate that they were dragged out (statements from Henry Duvall, David Davis, Aaron Vincent and Richard Sain -- that they were dragged out). Investigation into the phase of this confrontation is continuing.

The allegations of the --- assault on all officers after the shooting --- are presently under investigation. Also, the assault on Gwendolyn Kreger and Mrs. Norma Jones, who is the fiance of Patrolman Aaron Vincent. It was Miss Gwendolyn Kreger, who Patr. Vincent was talking to on the telephone when the confrontation started. She heard gun fire over the telephone, she then informed her stepmother -- Mrs. N. Jones, and they immediately responded to the location of the confrontation and alleges that she was assaulted by a white hippie type of officer in plain clothes.

Tuesday - 3-21-72 - 6:40 P.M. A 'show-up' was conducted at Detroit Police Department - Homicide. A maximum of 111 Officers came through.



The complainants present for the show up:

- Round #1 - Henry Duvall - 108 Officers sent thru for the show up
- Round #2 - Civilian Richard Sain - 111 Officers sent thru for the show up
- Round #3 - Aaron Vincent - 110 Officers sent thru for the show up
- Round #4 - Norma Jones - 105 Officers sent thru for the show up
- Round #5 - Gwendolyn Kreger - 106 Officers sent thru for the show up
- Round #6 - Richard Herold - 107 Officers sent thru for the show up
- Round #7 - Scheduled, but cancelled due to the fact that David Davis did not appear.

Show Up was completed at 8:50 A.M. - 3-21-72.

On Wednesday, March 22, 1972, conducted show up for the benefit of Norma Jones, Gwendolyn Kreger and David Davis.



Investigation reveals: that a total of 44 shots were fired into the Apartment of Aaron Vincent, and as substantiated by Detroit Police Dept. Scientific Lab, (6) shots were fired from the guns of James Jenkins. The 44 shots into the Apartment would indicate an over-act on Patrolmen Martin Starkey, Harris, Marshall and Shiemke.

The questionable items here are as follows:

Sgt. James Stack, assigned to the 10th Precinct, who responded to scene of confrontation, states in his report, that upon entering the Apartment, "I entered the Apartment where the shooting occurred and observed numerous spent shell casings, which appeared to be from pistols and one spent shotgun casing. (Scout 10-18)

1. It was never recovered or put into evidence. Further, along with Sgt. Mathison
2. The finding of 357 Mag slug - evidence tag #33966 - Lab #1745, which up until this time can not be identified coming from any weapon from any Officer who responded to the scene.
3. The unexplained reason as to why Patrolman Michael L. Hamilton #2253 and Patr. John Wood #3696, assigned to Scout 10-11, conveyed Wayne County Officers Henry Duvall and Henry Henderson to Detroit General Hospital. We can find no reasonable explanation why the Officers, who drove directly by Henry Ford Hospital, did not take the injured there at the time, rather than drive the extra distance down to Detroit. Tapes from the Dispatcher taken at that time - indicated that Henry Ford Emergency was closed, by this we mean that they had no more room for the injured. Officer Alfred Pawlak, on 3-9-72, at 10:00 A.M. went to Henry Ford Hospital and interviewed Mr. Frank Sutter - Adm. of Admitting. He stated that at no time was the Emergency Room closed to any emergency cases at that time. In fact he had a 'team of Doctors' standing by anticipating patients as a result of the confrontation at 3210 Rochester.



Also, it is questionable why Patrolmen Starkey, Harris and Martin found it necessary on 3-8-72, to notify their Dispatcher to log them out at the 'Players Lounge' to talk to informant. However, they did not think it important enough to notify their Dispatcher that they were attempting to apprehend a subject with a gun.

It is the feeling of this Investigating Body that there are too many unanswered questions, various insinuating remarks, and the assault charges, which will require long and extensive study, and why the Detroit Police Scientific Lab did not take blood samples from the scene of the confrontation.