



DANIEL SHUE
PROSECUTING ATTORNEY
TWELFTH JUDICIAL DISTRICT
SEBASTIAN COUNTY COURTS BUILDING
901 SOUTH B STREET, SUITE 209
FORT SMITH, ARKANSAS 72901
GENERAL OFFICE 479-783-8976
479-784-1554 (Restitution) 479-783-1069 (Victim/Witness)

PRESS RELEASE

For Immediate Release

August 30, 2018

The Office of the Prosecuting Attorney has completed its review of the Fort Smith Police Department investigative file surrounding the fatal shooting of Dylan Stancoff. Dylan Stancoff was shot and killed on December 7, 2017. I have reviewed the Fort Smith Police Department investigative file before making this decision. I also received a copy of the autopsy report from the Arkansas State Crime Laboratory. It is the opinion of this office that Krissy Lenae Noble was justified in her use of force and that this is a justifiable homicide which does not merit the filing of criminal charges with regard to the homicidal event.

There are two pertinent Arkansas statutes with regard to the decision in this matter. First, A.C.A. §5-2-607 reads as follows:

“(a) A person is justified in using deadly physical force upon another person if the person reasonably believes that the other person is: (1) committing or about to commit a felony involving force or violence; [or] (2) using or about to use unlawful deadly physical force.”

Second, A.C.A. §5-2-620 reads as follows:

“(a) The right of an individual to defend himself or herself and the life of a person or property in the individual’s home against harm, injury, or loss by a person unlawfully entering or attempting to enter or intrude into the home is reaffirmed as a fundamental right to be preserved and promoted as a public policy in this state.

(b) There is a legal presumption that any force or means used to accomplish a purpose described in subsection (a) of this section was exercised in a lawful and necessary manner, unless the presumption is overcome by clear and convincing evidence to the contrary.

(c) The public policy stated in subsection (a) of this section shall be strictly complied with by the court and an appropriate instruction of this public policy shall be given to a jury sitting in trial of criminal charges brought in connection with this public policy.”

The Arkansas Criminal Code contains an entire subchapter on justification. In turn, justification becomes a defense when any evidence tending to support its existence is offered; once raised, it becomes an element that must be disproved by the State of Arkansas beyond a reasonable doubt. *Green v. State*, 2011 Ark. App. 700. Stated another way, if there is any evidence of justification, then that evidence must be considered in any legal review. Because there is evidence tending to support justification/self-defense, that element of homicide cannot be disproved by the State of Arkansas beyond a reasonable doubt.

From the facts and circumstances we know, on December 7, 2017, police officers were called to Krissy Noble's residence with regard to a shooting. In the course of the investigation, it was learned that Dylan Stancoff had been shot three times by Krissy Noble. Stancoff knocked at her door, and prior to answering the door, Noble went to the bedroom and retrieved a .40 caliber handgun and placed it on the TV stand in the living room. She then opened the front door and Stancoff identified himself as Cameron White, and asked if her husband was at home. Noble advised Stancoff that her husband was not at home, and Stancoff left. After Stancoff left, Noble spoke with her husband on the phone, and he told her that he did not know a person named Cameron White. Noble asked her husband about his gun, and he told the police that he told her to "leave the gun alone." Noble got off the phone, but later called her husband back and told him that the man had returned and was outside the apartment. Rather than calling 911, she moved the gun from the TV stand to the coffee table. It was then that she opened the door to Stancoff. According to Noble, Stancoff entered the apartment and physically attacked her. Noble picked up the gun and shot him three times.

During the course of the investigation, it was also determined that in addition to the .40 caliber handgun used to shoot Mr. Stancoff, there was a .20 gauge shotgun, a .22 caliber pistol, and a bolt action rifle all located in the couple's closet. The Affidavit for Warrant of Arrest alleges that on or between November 7, 2017 and December 7, 2017, Noble, a convicted felon, possessed firearms. Krissy Lenae Noble pled guilty to Possession of Marijuana with Purpose to Deliver, a Class "D" Felony, and Possession of Drug Paraphernalia, a Class "D" Felony, on February 1, 2017 in Sebastian County Circuit Court. At that time, she was placed on a 5 year suspended imposition of sentence and the Terms and Conditions of her suspended sentence included that she "shall not possess or use any firearms." A Petition to Revoke that sentence has been filed in CR-2016-675-B (see attached redacted copies of the Affidavit for Warrant of Arrest, the Information that has been filed, the Terms and Conditions of Suspended Sentence, and a file-marked copy of the Petition to Revoke entered in CR-2016-675-B). Arkansas Rules of Professional Conduct, Rule 3.8, permits me to make statements that are necessary to inform the public of the nature and extent of the Prosecutor's actions and that serve a legitimate law enforcement purpose. In addition, pursuant to Arkansas law, possession is not the same as ownership; the law applies to actual physical possession and even constructive possession if a felon has knowledge of the presence of the firearm and the felon has the ability to control it. *Osborne v. State*, 278 Ark. 45 (1982). Lastly, pursuant to the Arkansas Rules of Professional Conduct, Rule 3.6, the charge filed against Krissy Noble is merely an accusation, and Krissy Noble is presumed innocent until and unless proven guilty.


DANIEL SHUE
PROSECUTING ATTORNEY

WARRANT of ARREST

Warrant # 18-03940

Date Issued 8/28/18

Entered by MCORTEZ

STATE OF ARKANSAS
COUNTY OF SEBASTIAN } SS

REDACTED COPY

IN THE DISTRICT COURT OF SEBASTIAN COUNTY, ARKANSAS
FORT SMITH DIVISION

The State of Arkansas to any Sheriff, Constable, Jailer or Marshal or Policeman in the State of Arkansas, greeting:

It appearing that there are reasonable grounds for believing that KRISSEY LENAE NOBLE

has committed the offense of 73102 FELON TN POSSESSTON OF FTRFARM, CLASS D D F

on the date of 28 AUGUST, 18

in the Fort Smith Division, County of Sebastian, State of Arkansas, You are therefore commanded to arrest and bring the above name person before ReLand/RorenGasser/OHern

Judge of the District Court of Sebastian County, Arkansas, Fort Smith Division, to be dealt with according to law.

I/S

Bond Amount: 2,500.00

Given under my hand and seal of said court this 28TH day of AUGUST 2018
Summon as witnesses for the State:



Judge of the District Court

Defendant's (Last Known) Address

Defendant's (Last Known) Employer



Sex: F
Race: W
Height: 05 01
Weight: 160
Date of Birth: 
Soc. Sec. No.: 
Driver's License No.: 

Remarks: 

STATE OF ARKANSAS

RETURN

County of SEBASTIAN

I certify that I served the within warrant of arrest on the _____ day of _____, 20____ at _____, by then and there taking into my custody the within named _____ whose body I have now brought before a Judge of the District Court of Sebastian County, Arkansas, Fort Smith Division, this _____ day of _____, A.D., 20____.

Deputy Sheriff _____

AFFIDAVIT FOR WARRANT OF ARREST

IN THE DISTRICT COURT OF SEBASTIAN COUNTY, ARKANSAS
FORT SMITH DIVISION
CRIMINAL DIVISION

STATE OF ARKANSAS
Upper Township
Sebastian County

I,

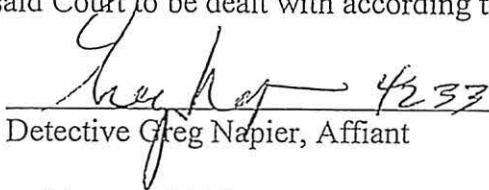
Detective Greg Napier
Fort Smith Police Department
100 South 10th Street
Fort Smith Arkansas
(479) 785-4221

REDACTED COPY

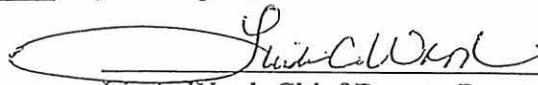
do solemnly swear that KRISSY LENAE NOBLE A/K/A KRISSY LENAE TRAN (W/F; D.O.B.: [REDACTED], SSN: [REDACTED] Height: 5' 1", Weight: 160 lbs.), did, in said County of Sebastian, on or between November 7, 2017 and December 7, 2017, commit the offense of Possession of Firearms By Certain Persons - Non Violent, a Class "D" Felony, in violation of 5-73-103(a)(1) in that she unlawfully possessed or owned any firearm after having been previously convicted of a felony, committed as follows:

Additional Facts on Case: The Defendant pled to Possession of Marijuana with Purpose to Deliver ("D" Felony) and Possession of Drug Paraphernalia ("D" Felony) on February 1, 2017 in Sebastian County Circuit Court. On December 7, 2017, police were called out to the apartment of Defendant and her husband over a shooting, and they found the Smith & Wesson .40 caliber handgun that the Defendant had discharged (along with two long guns and another handgun located in the couple's closet). The Defendant admitted that she had fired the .40 caliber handgun two to three times during the incident, which she claimed was done in self-defense. The man she shot died of gunshot wounds to the head and chest.

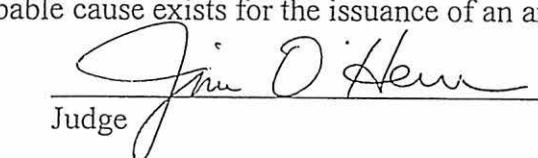
Affiant prays for a warrant from a Judge of the District Court of said County, City of Fort Smith, to apprehend and bring the said person before the said Court to be dealt with according to law.


4233
Detective Greg Napier, Affiant

Sworn and subscribed before me this 27th day of August, 2018.


Linda Ward, Chief Deputy Prosecuting Attorney

I have reviewed these facts and find that probable cause exists for the issuance of an arrest warrant.


Judge

Bond Recommendation: \$2,500.00 L/S

INFORMATION

Before Honorable Claire Borengasser
Or Honorable Jim O'Hern
Or Honorable Gunner Delay
Judges of the District Court for
Sebastian County, Arkansas
Fort Smith Division

STATE OF ARKANSAS
VS.
KRISSY LENAE NOBLE

DISPOSITION

Plea: _____
Fine: _____
Court: _____
Sheriff: _____
S.P.: _____
C.L.F.: _____
P.A.: _____

I, Daniel Shue, Prosecuting Attorney of the Twelfth Judicial Circuit of Arkansas, in the name and by the authority of the state of Arkansas, and upon information and belief, accuse said defendant of the crime(s) of

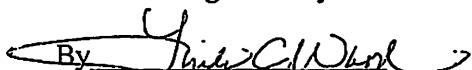
Possession of Firearms By Certain Persons - Non Violent (ACA CODE, Class 5-73-103(a)(1) Class D Felony)

committed as follows, to-wit: The said defendant, in the County and State aforesaid on or about between November 7, 2017 and December 7, 2017,

Count 1: unlawfully and feloniously possess or own any firearm after having been previously convicted of a felony.

against the peace and dignity of the State of Arkansas; and it appearing that here are reasonable grounds for believing that said defendant has committed the offense alleged herein, I therefore pray a warrant from the said Judge Gunner Delay, Judge Jim O'Hern, or Judge Claire Borengasser for the arrest of the defendant that said defendant may be brought before said court in the said county, and be dealt with according to law.

Daniel Shue
Prosecuting Attorney

By 
Linda C. Ward
Chief Deputy Prosecuting Attorney

Subscribed and sworn to before me this 28th day of August, 2018

Officer: Greg Napier, Fort Smith Police Department

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
FORT SMITH / GREENWOOD DISTRICT

STATE OF ARKANSAS

vs.

Kissy Lenae Noble

NO. CR. 2016-675-B

PLAINTIFF

DEFENDANT

TERMS AND CONDITIONS OF SUSPENDED SENTENCE

The Court, having considered the premises, pleading, plea and other matters in accordance therewith:

IT IS ORDERED THAT:

IMPOSITION OF THE DEFENDANT'S SENTENCE IS SUSPENDED FOR 5 YEARS

DEFENDANT IS HEREBY SENTENCED TO THE ARKANSAS DEPARTMENT OF CORRECTIONS FOR _____ YEARS WITH AN ADDITIONAL SUSPENDED IMPOSITION OF SENTENCE OF _____ YEARS

on condition of good behavior and the following terms and conditions: Defendant

1. Shall not violate any federal, state, or municipal law; work faithfully at suitable employment, support any dependents and meet family responsibilities; will avoid beer taverns and other places where alcoholic beverages are sold and from consorting or associating with persons with criminal records, bad characters, or persons planning or encouraging the violation of any law; shall not possess or use any firearms; shall not possess or use marijuana, narcotic, or any other drug or controlled substance prohibited by the controlled substance law.
2. Shall make restitution of \$_____ payable at the rate of \$_____ per month beginning _____ including an additional \$5.00 administration fee.
3. Shall pay a fine of \$2500 and costs of \$50, jail fee of \$31; Drug Task Force fee of 125, to Prosecuting Attorney's Office Sebastian County Courts Building, 901 South B Street, Suite 209, Fort Smith, Arkansas. INABILITY TO PAY- due to severe and undue hardship, defendant will make installment payments on the fine and/or costs, including a monthly installment fee of \$10.00 per payment, payable at the rate of \$10 per month beginning 90 days after release.
4. Is placed on supervised probation for _____ years and shall report to the Probation Office and follow its lawful rules and regulations; pay \$_____ per month during the term of supervised probation to the Probation Office commencing _____ and perform _____ hours of community service work (50 to 400 hours) as directed by the Probation Office.
5. Shall make a good faith effort toward completion of a high school diploma or a General Education Development (GED) certificate.
6. Agrees that he/she will freely, voluntarily, and without compulsion, waive extradition to the State of Arkansas, and agrees that he/she will not contest any effort by any state of the United States to return him/her to the State of Arkansas.
7. Is assessed the sum of \$100.00 pursuant to Arkansas Code 16-87-213 to be paid to the Prosecuting Attorney's Office, upon the plea or conviction of the defendant, to be forwarded to the Public Defender User Fee Fund.
8. Pursuant to Act 961 of 2013 a judgment is entered against Defendant in favor of the State of Arkansas for legal services rendered by the Public Defender in the sum of \$_____
9. OTHER CONDITIONS: No contact with _____ no offensive contact with _____
10. Are you aware that if you are not a citizen of the United States, the entry of a plea of guilty or nolo contendre or making of factual admissions may/will have consequences of mandatory deportation or removal from the United States, inability to obtain legal status in the United States, denial of application for United States citizenship, exclusion from readmission to the United States, or cause you to be taken into custody by U.S. Immigration and Customs Enforcement now or at a later date pursuant to the laws of the United States?
Yes No

THIS 11TH DAY OF JUNE 2016, SEBASTIAN COUNTY CIRCUIT COURT CLERK

THE VIOLATION OF ANY ONE OF THESE TERMS AND CONDITIONS CAN RESULT IN YOUR BEING SENTENCED TO IMPRISONMENT IN THE DEPARTMENT OF CORRECTIONS FOR A TERM OF NO MORE THAN 12 YEARS AND/OR FOUND GUILTY OF CONTEMPT OF COURT AND SUBJECT TO PUNISHMENT AS ORDERED BY THE COURT.

I have read the above terms and Conditions of Suspended Sentence and have discussed the contents with my attorney. I have received a copy and accept all conditions of the Court. I understand that failure to follow one or more conditions of this Order can result in the revocation of my suspended sentence or a finding of contempt of court. Separate and apart from these terms and conditions, I hereby waive any right I may have to contest extradition from any jurisdiction.

DN/P CIRCUIT JUDGE M. M. Smith

*** DEFENDANT Kissy Noble

DOB: _____ SS#: _____

ADDRESS: _____

ATL ATTORNEY FOR DEFENDANT

FILED
FT. SMITH DIST.
2016 AUG 28 PM 10:51
CIR. CLERK SEB. CO. /
Case 16-93-308

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS
FORT SMITH DISTRICT
CRIMINAL DIVISION

STATE OF ARKANSAS

PLAINTIFF

vs.

CASE NO. CR-2016-675-B

KRISSY LENAE NOBLE

DEFENDANT

PETITION TO REVOKE AND/OR SHOW CAUSE

Comes now Daniel Shue, Prosecuting Attorney in and for the Twelfth Judicial Circuit, State of Arkansas, and for his Petition, pursuant to A.C.A. § 5-4-205, 16-10-108 and 16-93-308 alleges and states:

That on the 1st day of February, 2017, the above-named Defendant appeared in open court with his/her attorney, the Public Defender, and entered a plea of guilty to the charges of Possession of Marijuana With Purpose to Deliver, Class D Felony and Possession of Drug Paraphernalia, Class D Felony, and the Court being sufficiently advised suspended imposition of sentence for a period of 5 years conditioned on the Defendant paying a fine in the amount of \$2500.00, court costs of \$150.00, Jail Fee of \$31.00, DTF Fee of \$125.00, DNA Fee of \$250.00, to be taken from fine, and a Public Defender Fee of \$100.00 at the rate of \$60.00 per month beginning 90 days after release.

That on or between November 7, 2017 and December 7, 2017, the Defendant committed the offense of Felon In Possession of a Firearm in Sebastian County, Arkansas and said charge is currently pending in Fort Smith District Court; that said conduct is in violation of the terms and conditions of Defendant's suspended sentence.

That as of this date, June 5, 2018, the Defendant has failed to pay fine, costs and fees as ordered, leaving an unpaid balance due in the amount of \$2056.00; that said conduct is in violation of the terms and conditions of Defendant's suspended sentence.

WHEREFORE, your Petitioner representing the State of Arkansas herein prays that the above-named Defendant be brought before this Court to show cause why his/her suspended sentence should not now be set aside or that the Defendant should not be held in contempt.

Respectfully submitted,

DANIEL SHUE
PROSECUTING ATTORNEY

By: 
Linda Ward
Deputy Prosecuting Attorney

/lb

STATE OF ARKANSAS)
)
COUNTY OF SEBASTIAN)

I, Bill Hollenbeck, Sheriff of Sebastian County, Arkansas, do hereby certify that I have served the within-named Defendant by delivering a true and correct copy of the above and foregoing Petition to him/her in person on this _____ day of _____, 2018.

BILL HOLLENBECK, SHERIFF

D.S.