



Written by [William F. Jasper](#) on February 4, 2016

Family, Second Witness Say LaVoy Finicum Was “Murdered”

Arizona rancher LaVoy Finicum was “murdered” by law enforcement agents, says the Finicum family, in the [obituary posted](#) to the mortuary chapel website announcing his funeral arrangements, which are scheduled for Friday, February 5.

“Robert LaVoy Finicum was born on January 27, 1961 in Kanab, UT and was murdered the day before his 55th birthday on January 26, 2016,” the obituary states. “LaVoy was born to David and Nelda Finicum and had six siblings, Sherre, Guy, Jody, Jill, Misty, and Tadi. LaVoy was married to Dorthea Jeanette Finicum on February 18, 1994 and together they have eleven children, Thara, Belle, Tell, Tawny, Arianna, Brittney, Mitch, Thomas, Challice, Danielle, and Tean. Combined they have 19 grandchildren with three more on the way.”



The obituary goes on to detail some of his personal history: schooling, ranching, involvement in LDS church activities. After receiving LaVoy Finicum’s body, the family had it examined by an independent examiner, a close family friend told *The New American*. However, they have not yet released any details of that examination.

Another witness, Shawna Cox, one of the four passengers in the pickup truck driven by Finicum when he was shot, has come forth, giving several radio [interviews](#) in which she says he was “murdered” while presenting no threat to law enforcement. Cox, 59, a close friend of the families of both LaVoy Finicum and Nevada rancher Cliven Bundy, was released from custody on Friday, January 30. She was the only woman among 11 defendants under a federal conspiracy charge for taking over the Malheur National Wildlife Refuge, in protest over the imprisonment of local ranchers Dwight and Steven Hammond and federal management of public lands. Cox’s testimony parallels that of [Victoria Sharp](#), 18, who has said Finicum was killed while holding his hands up. She, like Cox, also says that the police fired over 100 shots into the pickup, while none of the passengers fired a shot, and, in fact, were trying to surrender.

LaVoy Finicum Family Statement

A [statement from the Finicum family](#), released on January 29, acknowledges that “there are always at least two sides to every story,” and that they do not have all the facts in the case yet. However, the family is convinced that the video of the shooting released by the FBI falls far short of vindicating the FBI/Oregon State Police version of the fatal event, and can just as easily be viewed to substantiate the version put forth by witnesses Sharp and Cox. This is an important point made by *The New American*, in our [initial analysis](#) of the FBI aerial video.



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“We know that there are always at least two sides to every story,” says the Finicum family statement. “We also know and recognize that the FBI and law enforcement agencies involved will do everything in their power to make it appear as if the needless death of our husband, father, grandfather, brother and son, LaVoy Finicum, was justified.”

The statement continues:

Like almost everyone else, we were not there, so we don't know exactly what happened. Like most others, we have no choice but to rely on other sources of information. One of those sources of information is the account of Victoria Sharp. Another piece of information is the video recently released by the FBI, along with the FBI's chosen narrative of what happened. In response to this information, we would like to make a few observations.

The first observation is that from what we understand, the occupation was on track toward a peaceful resolution. LaVoy and those he was with were en route to a public meeting in an adjoining county when they were stopped in something far different than a “routine traffic stop,” as has been portrayed by the media. Unfortunately, the powers that be were not interested in being patient enough for the occupation to come to a peaceful end. Some had called for LaVoy and those he was with to simply be gunned down, just as he was, with no due process. Oregon Governor, Kate Brown, was putting pressure on the FBI to end it sooner rather than later. The Harney County Sheriff's Department working in conjunction with the FBI tried to do everything they could to emphasize how disruptive the occupation was to the local community, when in reality it appears to have been their own reaction that was causing most of the disruption. And it was the FBI that chose to escalate the situation to force a confrontation, and violent ending.

“With respect to the actual facts and circumstances surrounding LaVoy's death, the video really speaks for itself,” the family statement notes. “People will interpret it according to their own views. As the FBI's own narrative stated, LaVoy was not wielding a firearm or any other weapon when he was killed. His hands were obviously in the air. Knowing LaVoy, it is our view that he was moving away from the vehicle in an attempt to draw any hostility or violence away from the others. Unfortunately, we don't know what he was saying, and what was being said to him. He appears to have been gesturing, or trying to keep his balance while moving in the deep snow. Although he may have been animated, he does not appear to have been threatening or posing any real threat or danger to anyone. The FBI claims that LaVoy had a loaded firearm in an inside pocket of his coat. After re-reviewing the extended video, at this point we are not accepting at face value the FBI's statement that LaVoy was actually armed. But even if he was, as far as we can see, that firearm posed no more danger to anyone than it would have if he had stayed in the vehicle, with his hands on the steering wheel. Contrary to what has been stated by some sources, LaVoy was not ‘charging’ anyone. He appears to have been shot in the back, with his hands in the air.”

Use of Deadly Force

“It is our understanding, says the statement, “that according to applicable law, the use of deadly force is justified only if there is a genuine threat of death or serious bodily injury. It is our understanding and position that deadly force should only be used as a last resort. In LaVoy's case it appears that they were determined to go straight to the last resort.”

The Finicum Family statement goes on:

It is our understanding that the U.S. Supreme Court and Ninth Circuit Court of appeals have ruled



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as follows:

“The reasonableness of [officers’] actions depends both on whether the officers were in danger at the precise moment that they used force and on whether [the officers’] own reckless or deliberate conduct during the seizure unreasonably created the need to use such force.”

“[W]here an officer intentionally or recklessly provokes a violent confrontation ... he may be held liable for his otherwise defensive use of deadly force.” Although officers may claim self-defense, they may still be liable for using excessive force if their reckless and unconstitutional actions create the need to use excessive force.

It is our understanding that in addition to shooting LaVoy multiple times, after he was left lying harmlessly on the ground the officers also fired upon his truck and the passengers in it, putting them all at risk, despite the fact that they were posing no threat to anyone. The video clearly shows one of the windows being blown out. It has been gut-wrenching for our family to view the video of LaVoy being shot, and then left to lie in the snow while a whole army of so-called “public servants” terrorized the others. We can only hope their families never have to watch such a thing. We will be interested to inspect the vehicle. We will also be interested to see the autopsy report.

“At this point we will await the outcome of any investigation,” says the family, “but based on the information currently available to us, we do not believe that LaVoy’s shooting death was justified. We likewise can’t see any justification for the force and risk of serious injury or death that was exerted against the others in the truck, who posed no threat.”

Demonizing a “Squeaky Clean” Victim

“We know that under such circumstances law enforcement typically makes every attempt to cast such shooting victims in the worst possible light,” reads the family statement. “In that regard, we also want to observe and emphasize that LaVoy had a squeaky clean record, and had never had so much as a speeding ticket. In addition to raising his own eleven children, he had also been entrusted with the care of at least 50 foster children over the course of approximately 10 years.”

A friend of the Finicum family told *The New American* that LaVoy and Jeanette Finicum had rescued “some of the worst of the worst” kids, whom “everyone else had given up on and were headed to juvenile prison.” They “taught those kids to be good, hard-working, God-fearing, and, thanks to the Finicums, many of those delinquents are now responsible, adult citizens, part of their extended family.”

Photo of LaVoy Finicum: AP Images

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