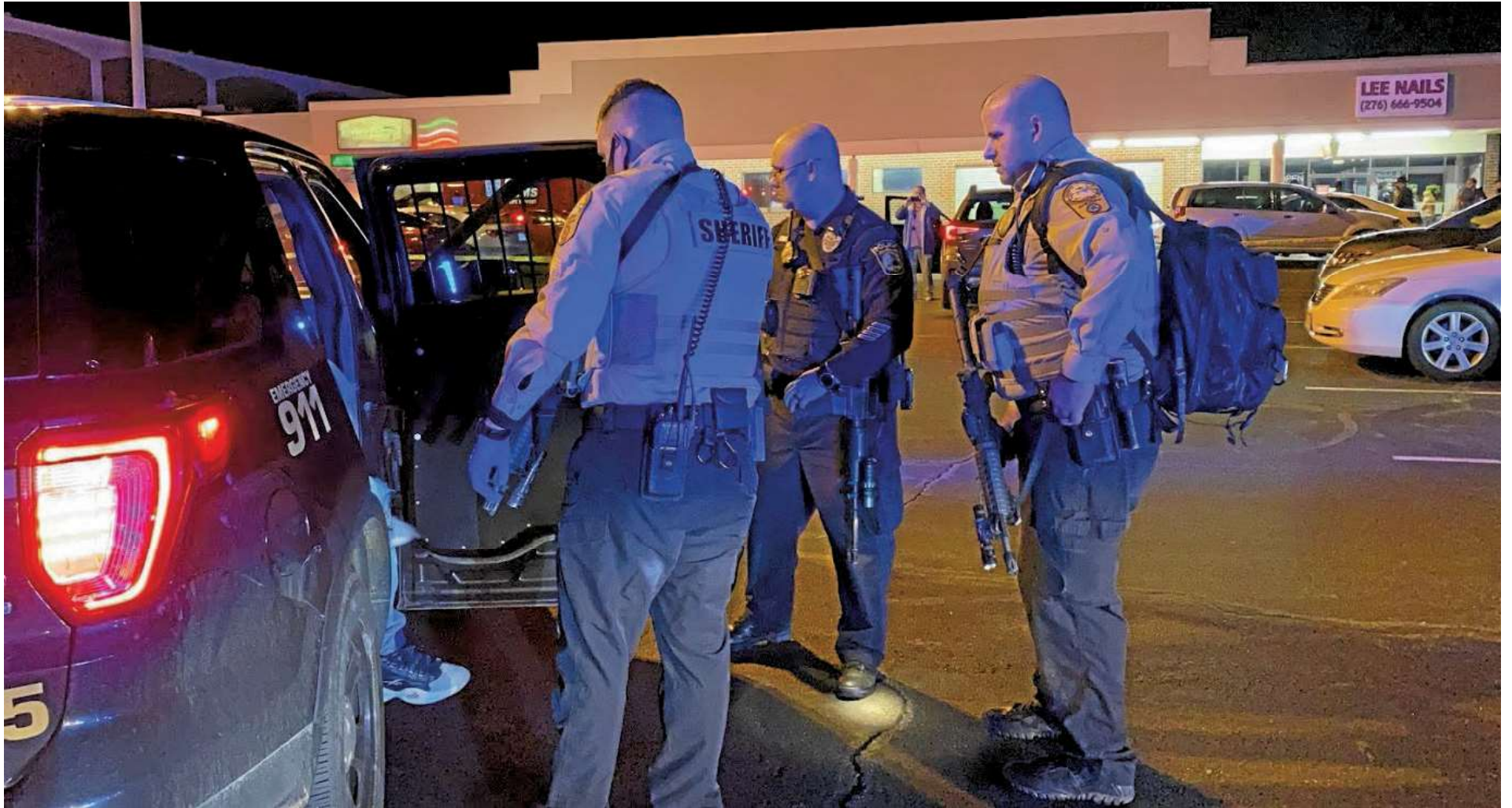


2 dead in bar shootout

Argument at El Norteno turns into deadly gunfight that leaves 2 injured.



BILL WYATT, MARTINSVILLE BULLETIN

One man was brought out in handcuffs and placed in a police vehicle.

BY BILL WYATT
bill.wyatt@martinsvillebulletin.com

An argument in a restaurant bar late Friday night turned into a deadly gun battle that trapped customers and employees inside, caused a Martinsville Police officer to open fire and ultimately left two men dead.

Two Martinsville residents died

at the scene of the shootout at El Norteno Restaurant on East Church Street in Martinsville. Two others were sent to the hospital with serious injuries.

The incident began at about 10:30 when several customers in the bar area began to argue, a release from the Virginia State Police said, weapons were produced and

shots rang out.

That's when the two Martinsville men, ages 23 and 33, fell dead. Their names have not been released pending notification of next of kin.

A third man was chased out of the restaurant and into the parking lot by two other men who had begun shooting at him, the release stated.

A Martinsville Police Officer on patrol in his vehicle heard the shots and raced to the scene.

The officer, who has not been identified, fired at the two armed men and struck one of them, the release stated.

"One of our officers arrived during an exchange of gunfire at which time he engaged a person

with a gun," MPD Chief Eddie Casady said.

"He's been taken to the police station and because one of our officers was involved. We have contacted the state police, and we're going to turn the investigation over to them!"

Please see **SHOOTOUT**, Page A7

FROM PAGE A1

MARTINSVILLE BULLETIN

SUNDAY, FEBRUARY 7, 2021 | **A7**

Shootout

From A1

In a separate release MPD said its officer saw several people with handguns shooting when he arrived at El Norteno, and he confronted them. They continued shooting, so the officer returned fire.

Both of the shooters ran back into the restaurant, leaving a third man in the parking lot uninjured.

Law enforcement from the Martinsville Police Department, Virginia State Police and the Henry County Sheriff's Office also went to the scene and entered the restaurant, where about 20 restaurant employees and a dozen customers had been trapped with the two shooters, the release stated.

Everyone was safely evacuated, and no more shots were fired.

Police found the bodies of the two dead men, and two other men were transported to the hospital with life-threatening injuries, the release stated. There was no other description of those injuries.

AirCare flew over the scene on the way to Sovah Health in Martinsville nearby, but it is unknown



BILL WYATT/MARTINSVILLE BULLETIN

MPD Deputy Chief Rob Fincher points to an area near two cars parked near the entrance to El Norteno restaurant.

if the helicopter had been called to transport anyone involved in the shooting.

An autopsy is being conducted on the two dead men at the Office of the Medical Examiner in Roanoke.

VSP's release said charges are pending but did not specify what those charges might be or identify any potential suspects.

A man and a woman, both hand-

cuffed, were brought out of the restaurant separately and put in separate police cars.

A crowd congregated at the crime tape and some of those people taunted armed police on the other side of the tape.

The scene outside

Investigators marked areas of the parking lot where bullet shell cas-

ings were found, and police gave particular attention to two vehicles parked near the front entrance.

Three people were allowed to remain near the entrance to the restaurant and appeared mostly distraught.

One woman sat, leaned over, with her head in her lap while another woman squatted with her hands covering her face and another placed her hands on the wall above her head and sobbed.

The first state police investigator arrived just before midnight, put on a bulletproof vest and entered the building.

Saturday afternoon, a Virginia State Trooper guarding the crime scene indicated investigators inside the restaurant would likely be there for the remainder of the day.

'Out of control'

Will Pearson, who owns Wild Magnolias Restaurant, also located in the Patrick Henry Mall, said he had begun to close up when the incident occurred.

"El Norteno employees ran out of the back door and came to Wild Mags for safety," Pearson said. "People came running in screaming"

Friday's incident was not the first time Martinsville Police have had a significant presence around the restaurant.

In October, MPD conducted crowd control while West Piedmont Health District officials made a surprise inspection of El Norteno. The restaurant was closed temporarily after that inspection.

"This is out of control," Pearson said. "If El Norteno can't follow the rules and stop serving alcohol after 10 o'clock, then it's not safe for them to have an ABC license."

"I'm afraid, and I'm afraid for my staff."

Gov. Ralph Northam had issued COVID-19 restrictions in November that require bars and restaurants to stop on-site alcohol sales at 10 p.m. and to close by midnight.

"This past summer and this fall, this crowd left El Norteno and came to Wild Mags, and they were super intoxicated," Pearson said. "I refused them service, and they threatened me, and when the police came, they threatened them."

Bill Wyatt is a reporter for the Martinsville Bulletin. He can be reached at 276-638-8801, Ext. 236. Follow him @billdwyatt.



BILL WYATT PHOTOS, MARTINSVILLE BULLETIN

Rosario Nasiar Eggleston attends his bond hearing in Martinsville General District Court via closed circuit television.

How the deadly confrontation unfolded

Surveillance cameras capture the evening shootout at El Norteno Restaurant.

BY BILL WYATT
bill.wyatt@martinsvillebulletin.com

A dramatic account of the deadly shootout at El Norteno Restaurant in Martinsville unfolded Monday during the bond hearing for one of two men charged in the incident on Feb. 5.

Rosario Nasiar Eggleston, 20, of Martinsville was denied bond in Martinsville General District Court and will remain in jail while facing two counts of malicious assault in which a victim was injured, use of a firearm in the commission of a felony-first offense and shooting in a public place causing injury after two men died and two were seriously injured at the Patrick Henry Mall.

Another man arrested that night, Jamal Emun Jenkins, 24, of Collinsville, has been charged



Judge Louis K. "Kerry" Campbell (left) listens to testimony given by VSP Special Agent Scott Mitchell at a bond hearing for Rosario Nasiar Eggleston in Martinsville General District Court.

Please see SHOOTING, Page A5

Shooting

From A1

with first-degree murder, use of a firearm in the commission of a felony and willful discharge of a firearm in a public place resulting in death. He is scheduled for a bond hearing on March 1 in Martinsville General District Court.

Police have said several customers in the bar area of the restaurant began arguing at about 10:30 p.m. when weapons were produced and shots rang out, leaving Keilo Anton Martin, 23, and Shavon Lamont Reid, 33, both of Martinsville, dead.

And the events of that night became much clearer during the hearing in testimony from Virginia State Police Special Agent Scott Mitchell, who described how investigators watched the confrontation unfold on video.

Mitchell's testimony was the first time the names of the two men who were wounded and transported to Roanoke Carillion Memorial Hospital, and their alleged roles in the events of the evening,

were made public.

Investigators have not charged those two men, Tahj Kapel and Jamel Daeshaun Turner, and have not provided identifying information about them. They also have declined to provide an update on their medical conditions.

Mitchell said there were six surveillance cameras connected to one security system at the restaurant that captured the entire event from multiple angles.

"There was already tension between Jaylen Pritchett and Tahj Kapel [two patrons] the night an argument began in the bar area of the restaurant," Mitchell said.

"Jamel Jenkins [a third patron] began arguing with Kapel, and the video shows Kapel wanting to run outside. Shavon Lamont Reid pulls him [Kapel] back twice."

The argument moved from the bar to the front area of the restaurant, where Keilo Anton Martin and others joined in, he said.

"Pritchett is shaking his hand at someone, and Reid is waving a gun around," Mitchell said. "Reid shoots at Pritchett and misses, and Pritch-

ett goes down the hall."

Mitchell said that Reid began chasing Pritchett down the hall, and Martin grabbed Reid. That's when the first fatal shots were fired.

"Reid turns and shoots Martin point-blank in the torso area, and Kapel grabs Martin," Mitchell said. "Kapel steps over Reid, and Jenkins then shoots Reid."

Mitchell described the video as showing both Reid and Martin "down," and "Eggleston is then seen wandering around those that are shot.

"Kapel goes out the door with an unidentified person in a pink shirt, and Eggleston turns and goes back to the bar and then out on the patio," Mitchell said. "People were still inside."

Mitchell said the video then shows Eggleston and a woman on the patio outside, and Turner joined them.

"Kapel has no guns and is facing away," Mitchell said. "Turner lifts both arms and began firing into the parking lot at Kapel, and Eggleston begins shooting at Kapel with one arm lifted."

That's when a Martinsville Police officer on routine patrol, whose name has not been released, approached with a rifle and began firing back.

"The bodycam on the officer shows him returning fire, and

Turner drops," Mitchell said. "Kapel was also hit."

Eggleston and the woman retreated inside the restaurant, and then the video shows Eggleston going back out on the patio and pulling Turner inside.

Police have said about 30 employees and customers were trapped inside with the shooters until officers with the Martinsville Police Department, Virginia State Police and the Henry County Sheriff's Office stormed the restaurant and secured the scene.

Mitchell said the woman, who was detained but not charged, was found by Martinsville Police Chief Eddie Cassady in one of the bathrooms attempting to hide two guns in a trash can.

Vikram Kapil, Eggleston's attorney, questioned Mitchell about how far the Martinsville Police officer was from the patio of the restaurant and how he was dressed at the time.

Mitchell estimated the distance to be about 30 yards but declined to answer details about the officer.

"We have not interviewed the officer," Mitchell said. "He will be interviewed later this week."

Although it wasn't discussed in the hearing Martinsville Police continue to investigate a second shooting that Martinsville Deputy

Chief Rob Fincher has described as "spillover" from the shooting at El Norteno, which happened about a mile away at the Valero convenience store on Brookdale Street at around 2 o'clock that morning.

An investigation revealed that Ombae K. Johnson Jr., 20, of Blankenship Road in Martinsville, and Dasyne A. Hairston, 19, of Fourth Street in Martinsville got into an argument with Deangelo M. Howard in the convenience store parking lot and Johnson pulled out a gun and shot Howard, an MPD release said.

Warrants were issued against Johnson and Hairston for malicious wounding, shooting into an occupied building, reckless handling of a firearm and use of a firearm in the commission of a felony, the release stated.

Howard was taken to Sovah-Martinsville and then to Carillion Roanoke, but MPD has declined to provide an update on his condition.

Hairston turned himself in and was denied bond on Feb. 11.

Johnson is still on the run, and the U.S. Marshall's Office is helping the MPD with the manhunt.

Bill Wyatt is a reporter for the Martinsville Bulletin. He can be reached at 276-638-8801, Ext. 236. Follow him @billdwyatt.

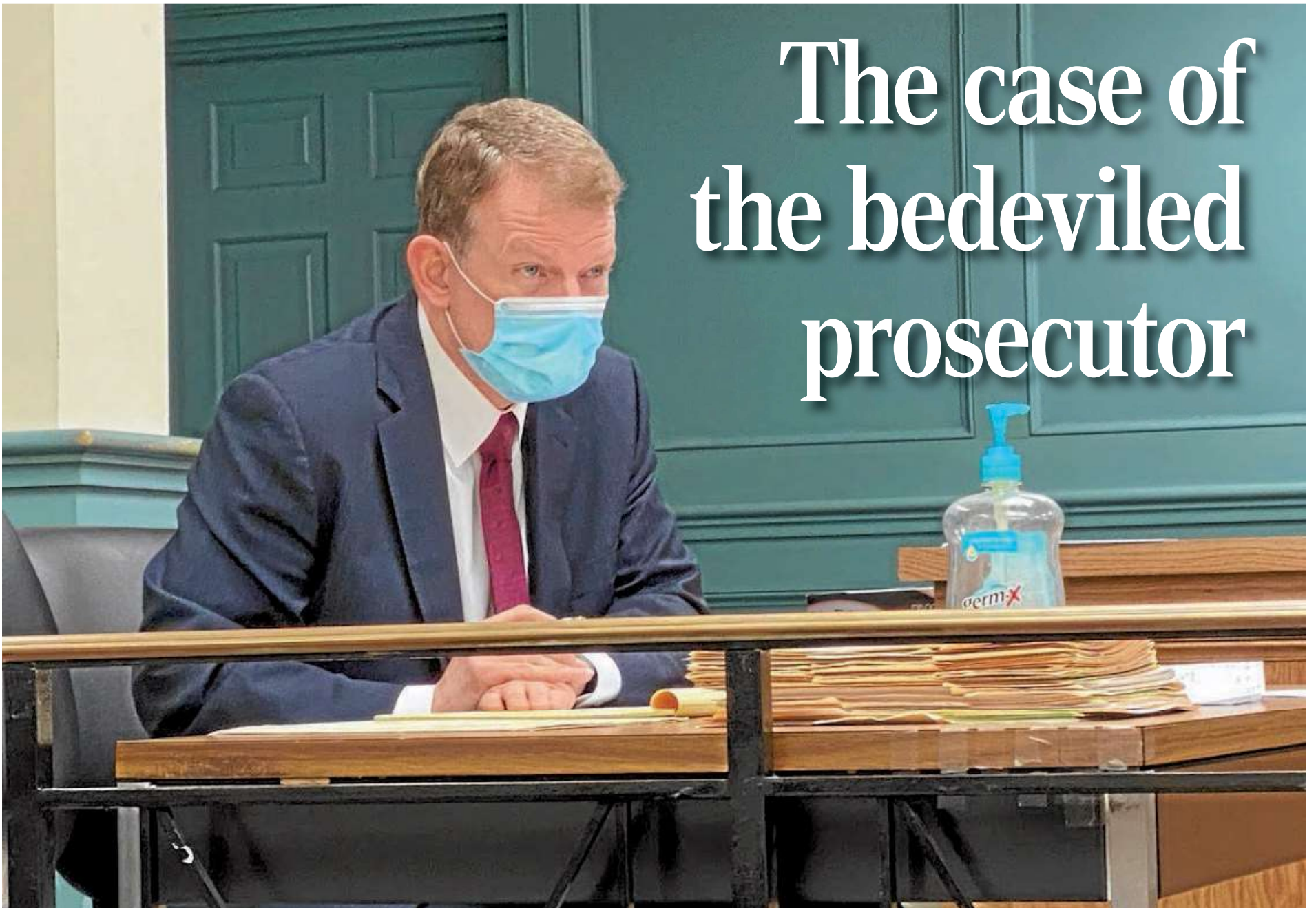


Jenkins



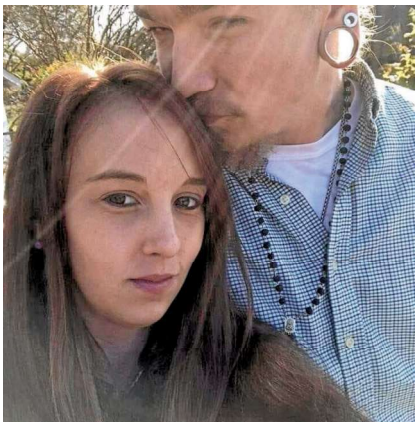
Eggleston

The case of the bedeviled prosecutor



BILL WYATT, MARTINSVILLE BULLETIN

Martinsville Commonwealth's Attorney Andrew Hall.



David and Amber Ives

David Dillon Ives admitted he killed his wife. For that crime, he will spend 7 years in prison. Commonwealth's Attorney Andy Hall describes in detail how that happened.

BY BILL WYATT
bill.wyatt@martinsvillebulletin.com

Martinsville's prosecutor is unhappy about a man going to prison for only 7 years after he admitted killing his wife, and although the details surrounding the circumstances might provide an adequate explanation, they don't make the results any easier for him to accept.

"Do I like the fact that the most I can get for a man killing his wife is 10 years?" Martinsville Commonwealth Attorney Andrew Hall asked. "I hate it, and I think the General

Assembly is wrong about that. But as an officer of the court, as a minister of justice, I have to go where the evidence leads. I have to charge him correctly."

The case that bedevils Hall involves David Dillon Ives, 27, who was charged with second-degree murder in the death of his wife, Amber Stultz Ives, 25, three days after he reported her dead of a gunshot wound on Aug. 12, 2019, in their home at 735 Oneida Street. He originally told the Martinsville Police Department that she had committed suicide.

Then he admitted he shot her.

And earlier this month Ives pleaded guilty to an amended charge of voluntary manslaughter and was sentenced to 10 years in prison, the maximum allowed, with 3 of those years suspended.

Throughout the nearly two years since Amber Ives died, as new details emerged and the case developed, Hall said he found himself changing his mind about what really

Please see **PROSECUTOR**, Page A5

Prosecutor

From A1

happened on Oneida Street. Ives, he said, provided a different story each time he was asked to tell it.

"We were left piecing this together," Hall said. "We know our initial theory is wrong. It was not a suicide. Second of all, it's not the execution that I thought it was."

A volatile relationship

David and Amber were a couple for about two years and married for about six months, and their relationship was described by Hall as "volatile."

"Amber suspected that Mr. Ives was having an affair, and she confronted him," Hall said. "She told him that she was leaving him, and they argued."

Amber Ives owned a gun, and Hall said an extensive investigation failed to reveal who introduced the gun into the argument.

Reading from the evidence presented in court, Hall said there was a struggle for the gun and at some point, David Ives gained control of the weapon, and the gun fired several times.

"What I told the judge is that we know it is not accidental, but it is probably in the heat of passion," Hall said.

Investigators had problems with the statement David Ives first gave them, and the scene wasn't easy to process.

"First of all, the scene is bloody," Hall said. "She had a head wound, so there's blood everywhere."

"We know that he [David Ives] placed the gun in Amber's hand, and he placed her hand on her chest. He calls 911 and reported that his wife had shot herself."

And that's what he told the police when they arrived. He also told them that his wife had mental health issues and had tried to commit suicide in the past.

Police accepted the initial story and treated the death as a suicide, but Hall admitted even from the beginning there were doubts.

"They investigated the scene and discovered several things that were inconsistent with a suicide," Hall said. "They found at least three shell casings recovered in the bed, not just one, and there were three fresh bullet holes in the wall behind the bed where Amber's body had been found."

There was one bullet left in the chamber.

"He [Ives] said something along the lines that they had been drinking, but [MPD officer] Richard Ratcliffe was our lead investigator with about 20 years of experience," Hall said. "He's dealt with folks who were drinking and he said there was no indication of intoxication, no indication at all."

David Ives is 6 feet 1 and weighed about 180 pounds at the time of the shooting, and his wife was 5-2 and about 100 pounds.

"Amber's body was taken to the forensic lab in Roanoke for an autopsy, and they immediately determined that this was not a suicide," Hall said. "The stippling around the wound was not consistent with a self-inflicted gunshot."

Shots fired at close range leave signature marks and discolorations caused by burning gunpowder, called stippling.

He liked guns

Hall said when the Ives' case came to him, he theorized that Amber Ives wanted to leave David Ives, but he wasn't about to let her.

"They were really, really close," Hall said. "If she would take a shower, he would be in the bathroom talking to her."

"Where she went, he went." Hall said he thought David Ives was at the foot of the bed and executed Amber Ives.

"You couldn't see the bullet holes, to begin with," Hall said. "This room is small and dark, and they had all the windows kind of covered, and a dark sheet was at the foot of the bed. And when you raised the sheet, you could clearly see three bullet holes."

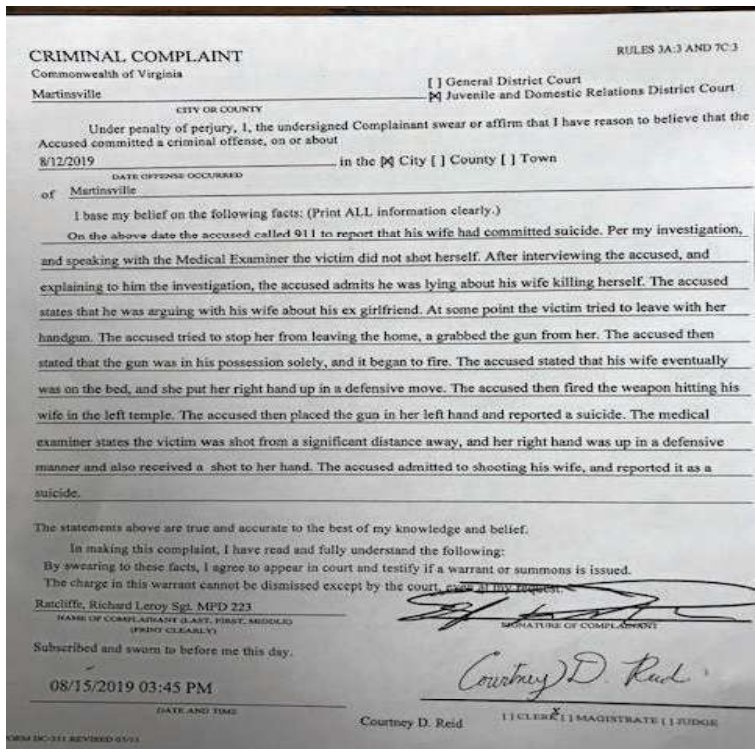
"My initial theory was he wasn't about to let her leave, he was at the foot of the bed, and it took him a little while to get the range, and he thought he got her on the fourth shot."

But then Hall learned that David Ives liked guns and even went shooting with Amber's father.



BILL WYATT, MARTINSVILLE BULLETIN

The Ives home on Oneida Street in Martinsville.



FROM COURT RECORDS

A criminal complaint in the case against David Dillon Ives.

"David knew how to handle a gun," Hall said. "Also we found evidence that he had fired the gun in the house before in a rage and in an attempt to get Amber's attention."

Graphic details

Evidence from the lab and the Medical Examiner's report was consistent: The gunshot that killed Amber Ives was not self-inflicted.

"What we're looking for — and this gets pretty graphic — is for the gun to be placed kind of on the temple," Hall said. "We're not going to see any stippling on the chest and arms. It's all going to be inside the brain cavity. There's no nice way to put that."

"Now we don't see that here, what we see here is stippling on her chest and her arms, the bullet hole is not on the temple, it's a little bit above the ear and it's a clean shot, but what we're expecting to see in the brain cavity is just not there, it's on the body."

Hall said everything pointed to David Ives being very close to Amber Ives when she was shot, so Ratcliffe went back to speak with him again.

"He's confronted with the evidence recovered at the murder scene and the medical examiner's findings, and at this point, he makes his third statement to Investigator Ratcliffe," Hall said. "Even after confronted with the findings, David continued to say Amber had shot herself, but he changed his story a little bit to say he was in there shaving when she shot herself and he heard the gun go off."

Later, David Ives admitted that Amber had not committed suicide, and he confessed that they had been arguing and that she indeed was going to leave him. He said that Amber had the gun, and he tried to get it away from

her, and after they struggled for a few seconds, he was never able to get the gun from her. Then the gun went off accidentally.

"For a lot of reasons, that did not make sense to us," Hall said. "Richard [Ratcliffe] goes back a fourth time, and Mr. Ives admitted that he had, in fact, been able to get his hands on the gun, but even now he's just saying, 'I've got my hand on the gun and she's got her hand on the gun and the gun just goes off.'"

It was at this point that Hall called on the Virginia State Police to help with the investigation.

"They've got this imaging unit," Hall said. "They can tell where they feel like the gunshot came. I felt like I was getting competing information from the medical examiner, so I asked the state police to do this imaging test."

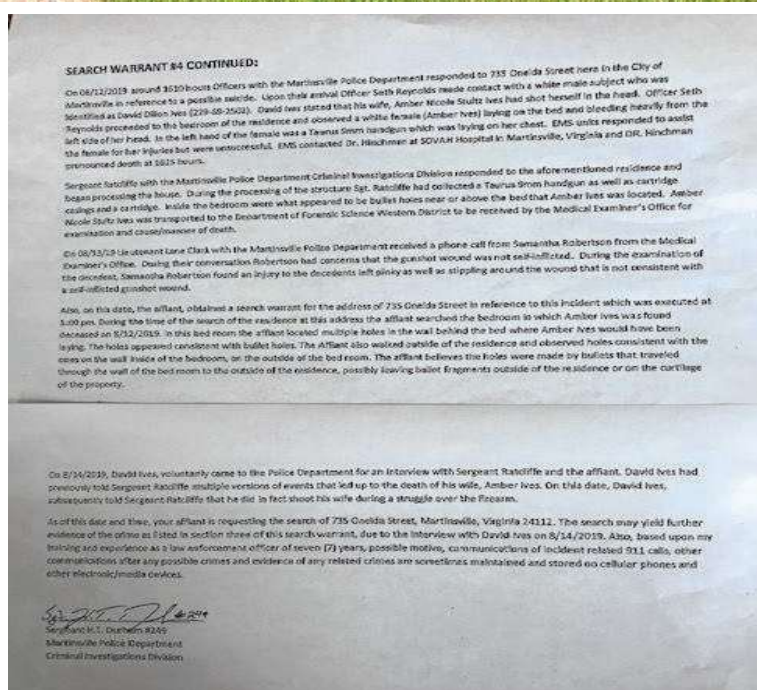
Even though results from the imaging came back inconclusive, David Ives had now admitted to VSP Special Agent Billy McGraw that he was able to wrestle the gun away from Amber and that he had shot her.

Hall reached out to the Division of Forensic Science for help, and one of the first things they discovered was that the gun that fired the shot that killed Amber did not have a hairpin trigger.

"So it didn't just go off," Hall said. "It takes some force for this trigger to go off."

Forensic Scientist Wendy Gibson filed her report and showed the gun to be 12 to 15 inches away from Amber Ives when it was fired.

"She had a wound on one of her fingers," Hall said. "We characterize it as a defensive wound. You could see the finger had been shot, the bullet had come in contact somehow, and we believed that she had put her arm up to defend herself, and that was one



FROM COURT RECORDS

One of the search warrants in the case against David Dillon Ives.

of the reasons that I believed that he had gotten away from her and gotten at the foot of the bed and she was holding her hands up in a defensive posture."

Hall apologized for his graphic description that proved just how close Amber was to David Ives when she was shot.

"The flesh on the finger was cooked. It's charcoal; it's black, which indicates her finger was basically on the gun when it was fired," Hall said.

A murder charge

Hall said the evidence collected proved Amber Ives' death was not a suicide and that it was not the execution he thought it was early in the investigation.

"I did not like the fact that he [David Ives] lied to us over and over again, I did not like that he was lying to the family, and I loathe the fact that he staged it as a suicide," Hall said. "It's reprehensible to me."

Hall said they investigators were waiting for some of the forensic tests to come back when he decided to charge David Ives with murder.

"The reason that we charge high is very simple; Judge [Carter] Greer would not allow us to amend upward, so if we think this is going to be a murder case, we have to charge murder initially," Hall said. "The investigation does not stop once we do charges. I've tried to explain this to judges before, and it seems to elude them for some reason."

"We continue to search for the truth. My job is an administrator of justice."

Although the ever-changing story of David Ives never completely aligned with the evidence, eventually what Hall had collected painted a picture of the couple, in close contact and arguing, and then a struggle for the gun.

"We believe at this point Amber wasn't too worried about the gun going off a few times because David had fired it a few times before," Hall said. "And we know

when he gets control of the gun at some point he shoots her [at close range]."

"It probably was heat of passion. We have no evidence whatsoever that he planned this out—we looked," Hall said. "There's no indication that it was premeditated or anything like that."

Hall said David Ives maintains that the shooting was an accident, but the evidence proved that it wasn't.

The short sentence

There are five homicide classifications in Virginia, ranging from capital murder to involuntary manslaughter.

In order for the unlawful taking of a human life to be classified as murder, it must be shown that the act was intentional.

In the case of David Ives, the evidence revealed that Amber Ives provoked a heat of passion in David Ives that resulted in his actions and her death.

"So that, by definition, is manslaughter," Hall said.

In Virginia, voluntary manslaughter is punishable by a minimum of one year and up to 10 years and a fine not exceeding \$2,500 and even then the judge has the discretion to reduce the sentence to less than one year in jail.

Judge Carter Greer sentenced David Ives to the maximum of 10 years, suspended three of those years, and ordered him to pay the court a \$2,482.40 fine and restitution of \$2,894.17.

As for the additional charges of use of a firearm in the commission of a felony and maliciously shoot into an occupied building, Hall said, "We're limited with what charges can be charged with what crimes, and manslaughter doesn't allow the other charges."

"So we couldn't charge those anymore so that's why they were dismissed."

Bill Wyatt is a reporter for the Martinsville Bulletin. He can be reached at 276-638-8801, Ext. 236. Follow him @billdwytat.