



Attorney General Doug Peterson

News Release

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Lincoln--A complaint was filed in Buffalo County Court on August 31, 2106 charging Kearney Police Officer Derek Payton with second degree assault, a Class 2A Felony. The maximum penalty for this offense is 20 years imprisonment. There is no minimum. Officer Payton turned himself in yesterday afternoon, was booked and immediately posted bond.

The charge results from an investigation conducted by the Buffalo County Sheriff's Office, the Nebraska State Patrol, and the Nebraska Attorney General's Office, into the June 5, 2016 incident where Officer Payton shot Jose Klich. Klich, who is 36, was fleeing from a traffic stop made by Officer Payton. Klich was operating a motor vehicle with license plates assigned to another car. Officer Payton fired his weapon three times at the moving car. The officer fired two shots while standing near the passenger side of the fleeing vehicle which penetrated the windshield on the passenger side. The third shot was fired through the back window of the vehicle.

Klich was struck in the upper right side of his abdomen and was apprehended several blocks away where he collided with a building at the intersection of 19th Street and 5th Avenue in Kearney. Klich was transported to Good Samaritan Hospital and underwent surgery, where one bullet was retrieved. He was subsequently released from the hospital.

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