



Allen County Prosecutor's Office Investigative Report and Conclusions in the Death of Anita Grayson

I. Introduction

This report documents the Allen County Prosecutor's Office's review and analysis of the investigation into the death of Anita Ann Grayson, which followed a physical altercation at the Tim Hortons located at 3975 Ice Way in Fort Wayne, Indiana, on May 13, 2026.

The role of the prosecutor is to assess the credibility and consistency of evidence collected in this matter and analyze whether the facts support probable cause and proof beyond a reasonable doubt to file criminal charges under Indiana law.

II. Evidence Reviewed

This review is based on multiple evidence sources including footage from the interior surveillance camera capturing the incident. The recorded footage does not contain audio. The review also included 911 recordings and dispatch records of employees, a witness and Anita Grayson; body-worn camera recordings; statements from the four employee witnesses, a customer witness, responding officers, emergency medical personnel, and detectives; crime scene documentation and photographs; the autopsy findings; toxicology reports; medical records and photographs of injuries to an employee witness; the Allen County Coroner's findings; and Ms. Grayson's relevant prior medical records.

III. Factual Background

On May 13, 2026, Anita Grayson ordered food through the Tim Hortons drive-thru window. Employees asked her to pull forward while her order was prepared. An employee delivered her order to her vehicle once it was ready.

About seven minutes later, Grayson returned to the restaurant to dispute the order at the front counter, where a verbal exchange with a 17-year-old employee escalated. A second employee, referred to here as Employee 1, stepped between Grayson and the minor employee. The confrontation turned physical: Grayson shoved and struck Employee 1, the two fell to the floor and continued struggling and coworkers separated them. Fort Wayne Police were dispatched to a disturbance call by an employee.

Officers arrived first and secured the scene. EMS, which had staged nearby because the call involved a reported assault, was cleared to enter once an officer confirmed it was safe. Grayson was then evaluated and treated inside the restaurant before being transported to a hospital, where she was later pronounced dead. Employee 1 remained on scene and later sought her own medical treatment.

The Allen County Coroner determined Grayson's cause of death was acute exacerbation of congestive heart failure in the setting of the altercation, with the manner of death classified as Undetermined. The Fort Wayne Police Department's investigation included surveillance video, witness interviews, physical evidence, medical records, autopsy findings, and consultation with forensic and medical experts.

IV. Witness Statements

Investigators interviewed the four employees on shift separately and one customer witness. Their accounts are largely consistent regarding the events that unfolded on the morning of the incident.

A. Juvenile Employee

The 17-year-old employee said Grayson, after using the drive-thru, came into the lobby to complain that her sandwich had been made wrong. The juvenile employee stated she approached Grayson and asked what was wrong with the order. The employee reported that Grayson slammed the food onto the counter and demanded a refund, stating, "Well you're gonna fucking have to take it back. You guys made my sandwich wrong on purpose, and I want my fucking money back! I want my fucking refund!" The employee said she asked Grayson to lower her voice. Employee 1 then stepped in to assist. The juvenile employee said Grayson called Employee 1 a "white bitch" and that Employee 1 positioned herself between them and told Grayson she was speaking to a minor. The employee said Grayson tried to swing around Employee 1 toward her but did not make contact, then struck Employee 1, grabbed her by the hair, and the two fell to the floor.

The juvenile employee said she and another employee helped separate them, physically opening Grayson's hand to free Employee 1's hair from Grayson's grip. She saw that a quantity of hair had been pulled out and that Employee 1's scalp was bleeding. She recalled Employee 2 calling 911 during the struggle, and that afterward Grayson sat in the dining area, used her phone, and later lowered herself to the floor using the table for support. The juvenile did not believe Grayson collapsed involuntarily. She said when Employee 2 later checked on Grayson, Grayson yelled at her to leave her alone.

The video largely supports this employee's account including a verbal exchange, Employee 1 stepping between the two, and the altercation that followed just as the juvenile employee described it, though without audio there is no way to check her account of what was actually said.

B. Employee 1

Employee 1 said she delivered Grayson's order to her car and wished her a good day. About seven minutes later, Grayson returned and complained the order had been made wrong claiming the error was on purpose. Employee 1 said she stepped in after seeing Grayson raise her hands toward the minor employee, positioning herself between them and telling Grayson the employee was underage. Employee 1 said Grayson called her a "little white bitch" and tried to swing around her toward the minor employee, and Employee 1 placed both hands on Grayson's shoulders to keep her back. Grayson then punched her in the face, an injury investigators later documented as a red mark on the right side of her nose consistent with her account. Employee 1 said Grayson then grabbed her hair and pulled her through the employee doors. Investigators observed a bloody scalp injury consistent with hair having been forcibly removed.

Employee 1 acknowledged striking Grayson back, saying she did so only after being hit and while Grayson kept pulling her hair. She said she could not see clearly because her head was being pulled down. When the two fell, she said she continued striking and kicking to free herself and yelled for Grayson to let go, even after coworkers tried to pull them apart. She told investigators she meant to de-escalate and protect the minor employee, and that in hindsight she "probably shouldn't have 'came' at her so aggressively," though she said she did not curse at Grayson or tell her to leave disrespectfully.

After the altercation, Employee 1 said she went to the back to compose herself. She was later advised that Grayson had gone to the floor, and said she personally observed Grayson appearing to have what she described as a seizure. When coworkers offered water, Grayson told them to leave her alone. Employee 1 later sought treatment at Parkview Regional Medical Center for head pain.

The strongest confirmation of her account is the hair: the video shows Grayson holding a clump of it after the two are separated, which is exactly what Employee 1 said happened to her. The rest of her version, where she stood, Grayson reaching around her, the shove, the strike, the fall, coworkers pulling them apart, plays out on the recording the way she described it. What the tape cannot settle is what either woman said, or which blow landed in what order once the altercation occurred.

C. Employee 2

Employee 2 said Grayson seemed pleasant at the drive-thru but returned upset, carrying her food to demand a refund, and she grew increasingly hostile toward the minor employee. She said Employee 1 stepped in and told Grayson to leave if she continued. Employee 2 said Grayson directed racial and derogatory language at Employee 1, then raised an arm toward the minor employee, prompting Employee 1 to step between them. Grayson struck Employee 1 in the face with a “hard core swing.” Employee 1 struck back, and the two fell to the floor, with Grayson remaining on top “throwing haymakers the whole time,” while Employee 1 mostly tried to push her away and free her hair, and she did strike Grayson several times.

Employee 2 said Employee 3 was ultimately able to pull Employee 1 free, ending the fight, and that she saw scratches on Employee 1's face and hair wrapped around Grayson's hand afterward. She called 911 as the altercation began. Afterward, she said Grayson sat down, later appeared to hyperventilate, and lowered herself to the floor rather than collapsing. When Employee 2 checked on her after seeing what she believed was vomit, Grayson was conscious and told her to leave her alone. When she was asked if she wanted CPR, Grayson said, “No! That bitch is going to jail.” Grayson remained responsive until EMS arrived, though more pronounced hyperventilating and foaming from her mouth occurred after their arrival.

Employee 2's version tracks with the video surveillance including the confrontation, Employee 1 stepping in, the shove, the strike, the fall, and Grayson's movements afterward. The video also shows that Grayson sees Employee 1's hair on the ground, picks it up and puts it in her purse. What the video does not settle is how many times each woman actually connected with a hit, or what either of them said.

D. Employee 3

Employee 3 was preparing food when Grayson came in complaining about her sandwich and Grayson grew increasingly upset despite staff attempts to calm her. She recalled a derogatory remark directed at an employee before Grayson swung at Employee 1. She believed Grayson struck Employee 1 in the face but was not certain of the exact point of contact given how quickly it happened. She helped separate the two, pulling Employee 1 to the sink area in the back and telling her to stay there and noted a scratch on Employee 1's face afterward. She confirmed police had already been called and then returned to work. Her account is consistent with the surveillance video in regard to the confrontation, the strike, the fall, her pulling Employee 1 away. However, the surveillance video does not capture audio, so it cannot verify the content of the verbal exchange that preceded the physical altercation.

E. Customer Witness

A customer in the restaurant told officers he saw Grayson enter visibly upset about her order and yell at the minor employee despite staff efforts to calm her. He did not see the start of the physical altercation but heard a commotion and saw Grayson and Employee 1 struggling on the floor. The customer confirmed that the altercation involved physical violence, specifically advising 911 dispatch that the woman had struck an employee.

He told investigators he missed how it started, so his account can only be measured against the part he saw, and for that part it lines up with both the video and the other witnesses.

V. Surveillance Video Review

The restaurant's single interior camera covers the service counter, part of the dining area, the employee door, and the front entrance, and records no audio. All observations below are limited to what is visible, and the timestamps are approximate. No exterior video was available.

Approx. Time	Observation
08:10	Grayson enters the business and walks directly to the service counter.
08:11	Grayson remains standing near the employee swinging door adjacent to the service counter.
08:12	Grayson and the minor employee appear to engage in a verbal exchange. No audio is available; the minor employee is observed pointing toward the exit.
08:12:19	Employee 1 steps between Grayson and the minor employee and gestures toward the exit. Grayson reaches around Employee 1 toward the minor employee; Employee 1 places hands on Grayson's shoulders, appearing to keep her back.
08:12:28	Grayson shoves Employee 1 with both hands.
08:12:30	Grayson strikes Employee 1 in the face with her right hand.
08:12:32	A physical struggle follows. Employee 1's glasses come off and both women go to the floor.
08:12:35 - 08:13:00	Two employees emerge from behind the counter and work to separate the two women. Grayson is seen holding what appears to be a quantity of Employee 1's hair.
08:13:00	The altercation ends as employees separate the parties.
08:13:22	Grayson stands and sits in a nearby chair. Employees return behind the counter; a male customer is seen on his phone.

Approx. Time	Observation
08:14:30	Grayson stands, retrieves her keys and purse, and moves to another table. An employee appears to place a 911 call and directs an arriving customer to leave.
08:15:16	An employee retrieves items from the floor.
08:16:40	An employee locks the front entrance.
08:17	Grayson is seen making a cellphone call.
08:18:30	An employee approaches Grayson while she is still on the call.
08:20:23	Grayson ends the call.
08:21:00	Grayson stands, retrieves what appears to be hair from the floor, places it in her purse, returns to the table, and lowers her head onto it.
08:22:18	Grayson lowers herself from the chair to the floor and remains there.
08:23:30	The recording temporarily ends.
08:24:09	The recording resumes. An employee is kneeling beside Grayson, appearing to assist her.
08:25:45	The employee returns behind the counter; Grayson remains on the floor.
08:26:46	An employee unlocks the front entrance and employees exit the building.
08:27:30	Law enforcement officers arrive.

VI. 911 Calls

Four calls are relevant to this investigation. Three calls were placed to 911: Employee 2's initial call at 8:13 a.m. that triggered law enforcement response, the customer's call at 8:15 a.m., and Grayson's own call at approximately 8:20 a.m. Call four is from a Fort Wayne Police dispatcher to Employee 2, made shortly after the initial call, to give her an update on responding units and check on Grayson's condition.

At 8:13 a.m., Employee 2 called 911 to report that an older female customer had assaulted an employee and remained inside the restaurant. She described Grayson as an older Black female in a purple shirt and blue jean jacket and said she was upset about an incorrect order. When asked if the customer had a gun or was intoxicated, the employee said she didn't think so. While on the line, she can be heard checking on Employee 1, who said, "I'm fine. I just feel bad because it's an old woman," and asked, "Why did she punch me?"

At 8:15 a.m., the customer witness called 911 independently, describing a Black female in a blue shirt and jeans who had struck an employee and remained inside, though the

confrontation had ended. He gave his first name and number but said he expected to leave before officers arrived. He ultimately stayed and gave a statement to police.

At approximately 8:20 a.m., Grayson herself called 911, stating she had been attacked and asking for police. She said she had returned over the wrong order, asked for the manager, and that “the manager got in my face and I had to hit her to get her out of my face. And it was a fight and we need the police out here.” She said, “I’m breathing heavy because I’m about to have a heart attack. I’m 75 years old and this young manager jumped on me and beat me down to the floor. All I wanted was my money back,” and said she might need an ambulance before the call disconnected.

Shortly after, dispatch called Employee 2 back for an update; she reported Grayson was now on the floor in the lobby, said the store’s video showed Grayson striking Employee 1 first, and confirmed Grayson remained conscious and breathing while employees awaited responders.

Grayson’s account to dispatch tracks the video and the other witnesses on the underlying dispute and the fact of a physical altercation, including her own acknowledgment that she struck Employee 1 first. Her description of being “jumped on” and “beat...down to the floor,” however, is not borne out by the video, which shows her delivering the first shove and strike.

VII. Law Enforcement Investigation

A. Initial Response

Allen County Public Safety Communications received the first 911 call at 8:13 a.m. reporting a disturbance and customer assault at the restaurant; police and EMS were dispatched. Grayson’s own call followed at 8:20 a.m., and dispatch received an update at 8:23 a.m. that she was now on the floor. Because of the reported assault, EMS staged nearby until officers secured the scene. Officers arrived at 8:27 a.m., separated the parties, and began identifying witnesses. EMS evaluated Grayson and transported her. While enroute, Grayson’s condition deteriorated to the point that medics diverted to Parkview Regional Medical Center. Homicide investigators were notified given the severity of her condition. Detectives from the Fort Wayne Police Department Homicide Unit responded to the hospital later that morning.

B. Scene Investigation

Officer C. Squires arrived at 8:28 a.m. and found Grayson on the lobby floor already receiving aid from Fort Wayne Fire Department personnel. He interviewed the minor employee, Employee 1, Employee 2, and the customer witness. He then reviewed the

surveillance footage with the store manager, observing the sequence described above, and arranged for the video to be forwarded to the Detective Bureau. While he remained on scene, Grayson's condition worsened to the point that medics began CPR, and she was transported by ambulance in critical condition.

Sergeant C. Brautzsch, responding after learning Grayson had gone into cardiac arrest, observed no obvious external injuries on her but documented scratches and a scalp wound with missing hair on Employee 1. He initiated a crime scene log, directed employees not to disturb the area, and arranged to have Grayson's unattended vehicle towed and secured. Crime Scene Technician M. Wentz arrived at 9:45 a.m. to photograph the interior. Technician J. Franciscy created a digital scene reconstruction. Investigators noted that employees had begun cleaning the lobby floor before officers arrived and that a responding officer had photographed, but did not collect, a clump of hair before it was discarded. It should be noted that, prior to the crime scene investigation, a second clump of hair, which had been pulled from Employee 1, was picked up from the floor by Anita Grayson and placed in her purse immediately following the altercation. This is observable in the surveillance video; however, the hair was not collected as evidence. No additional physical evidence remained to collect.

C. Detective Investigation

Detective M. Goodman and Detective L. MacDonald responded at approximately 9:15 a.m. and took over the investigation, dividing responsibility between reviewing the surveillance footage and conducting recorded interviews of the remaining witnesses. Detective Goodman documented Employee 1's injuries, including facial scratches and abrasions and the scalp injury consistent with forcibly removed hair. Sergeant Brautzsch noted in the police report that he "did not observe any obvious external injuries" on Grayson while she was being treated by medics.

Detectives were advised of Grayson's death during the on-scene investigation and reclassified the case from an aggravated battery investigation to a death investigation. On May 14, 2026, Detective Goodman attended the autopsy at the Allen County Coroner's Office along with Detective J. Gigli, Technician M. Wentz, and Deputy Coroner C. Brenneke; the pathologist reported no significant external contributory injuries, with cause and manner of death pending further testing. Detective Goodman later obtained Grayson's medical records, which documented recent treatment for congestive heart failure, hypertension, shortness of breath, palpitations, dizziness, fatigue, and related cardiovascular issues in the month before the incident.

The complete investigative file including surveillance video, recorded interviews, body-worn camera footage, crime scene documentation, EMS and hospital records, autopsy findings, toxicology, and prior medical records was assembled for prosecutorial review.

VIII. Physical and Medical Evidence

A. Employee 1

Employee 1 sustained bruising, facial scratches, and a substantial area of hair forcibly pulled from her scalp, consistent with the witness statements, photographs, and video. At Parkview Regional Medical Center, she reported that Grayson had grabbed her, pulled her through the employee doors, punched her in the face, pulled her hair, and scratched her face. She complained of a throbbing headache without vision changes, denied losing consciousness, and reported worsening neck pain and pain at the crown of her head, findings consistent with the physical evidence and video.

B. Anita Grayson

The Allen County Coroner determined Anita Grayson's cause of death to be acute exacerbation of congestive heart failure in the setting of a physical altercation. The manner of death was classified as Undetermined.

According to the Coroner's findings, the term "acute exacerbation" indicates that Grayson's pre-existing congestive heart failure suddenly worsened during the course of the physical altercation, ultimately resulting in her death.

The Coroner further concluded that Grayson sustained no significant contributory injuries, meaning the injuries she sustained during the altercation did not contribute to her death.

After an exhaustive review of the available medical evidence, the Coroner's Office concluded it could not determine with reasonable medical certainty whether Grayson's death should be classified as natural, homicide, or accident. Accordingly, the manner of death was certified as Undetermined.

IX. Applicable Indiana Law

The evidence requires considering several potential offenses under Indiana law and, for each, whether the State can also disprove a claim of self-defense beyond a reasonable doubt.

Battery Offenses

Indiana Code § 35-42-2-1 prohibits knowingly or intentionally touching another in a rude, insolent, or angry manner. The offense level depends on the resulting injury:

- Battery Resulting in Bodily Injury — Class A Misdemeanor
- Battery Resulting in Moderate Bodily Injury — Level 6 Felony
- Battery Resulting in Serious Bodily Injury — Level 5 Felony

Aggravated Battery

Under Indiana Code § 35-42-2-1.5, a person commits aggravated battery, a Level 3 felony, by knowingly or intentionally inflicting an injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in prolonged loss or impairment of a bodily function.

Murder

Under Indiana Code § 35-42-2-1, a person commits murder by knowingly or intentionally killing another human being. To obtain a conviction, the State must prove beyond a reasonable doubt that the defendant knowingly or intentionally caused the victim's death.

Reckless Homicide

Indiana Code § 35-42-1-5 makes it a crime to recklessly kill another person.

Self-Defense

Each of these offenses is subject to Indiana's self-defense statute. Indiana Code § 35-41-3-2(c) justifies the use of reasonable force to protect oneself or a third person from what one reasonably believes to be the imminent use of unlawful force, and permits deadly force, with no duty to retreat, where deadly force is reasonably believed necessary to prevent serious bodily injury or a forcible felony.

Self-defense is an affirmative defense. Once evidence of it is introduced, the State must disprove it beyond a reasonable doubt to sustain a conviction. See *Miller v. State*, 720 N.E.2d 696 (Ind. 1999). The State can do so by proving that the defendant was the initial aggressor and did not withdraw, did not actually or reasonably believe force was necessary, used force disproportionate to the threat, or was otherwise not entitled to the defense. If the State cannot disprove the defense beyond a reasonable doubt, a conviction cannot stand even where the elements of an offense are otherwise established.

X. Analysis

A. Credibility and Corroboration of the Evidence

The interior video, though limited to one angle and no audio, captures the entire physical sequence and is the most objective record available. Every element of the employees' accounts that the video can check — that Grayson entered the store, that Employee 1 stepped between her and the minor employee, that Grayson pushed and struck Employee 1 first, that the two fell and grappled on the floor, that coworkers separated them, and that Grayson remained ambulatory afterward, made a phone call, and later lowered herself to the floor — is borne out by the recording. The four employee witnesses and the customer witness were interviewed separately and gave accounts that align with each other and with the video on every point capable of being checked against it.

The recording has no audio, so the specific language used during the confrontation cannot be independently verified from the video; it rests on witness recollection rather than an objective record. Grayson's own 911 call, placed while she was in visible distress and believed she was having a heart attack, corroborates the core sequence of events in her own words, including her acknowledgment that she struck Employee 1 first.

On one point, Grayson's account differs from what the video shows. She told the dispatcher she had been "jumped on" and "beat...down to the floor," a perception that, in the fear and confusion of the moment, did not match what the recording captured of her delivering the first shove and strike. One evidentiary gap deserves acknowledgment: the clump of hair pulled from Employee 1's scalp was photographed by a responding officer but was not collected before it was discarded during cleanup, and no additional physical evidence was recovered from the scene. This does not undermine the video's account of the altercation, but it forecloses any forensic confirmation, such as follicle analysis, beyond what officers observed and photographed.

B. Who Initiated the Physical Confrontation

The first physical contact between Grayson and Employee 1 was not a threat or a blow. It was Employee 1 placing her hands on Grayson's shoulders as Grayson reached around her toward the minor employee. Standing alone, that contact does not meet the standard for battery under Indiana law, which requires a touching in a rude, insolent, or angry manner. The video shows a brief, non-aggressive placement of hands used to keep Grayson at a distance from a minor employee, not a shove, strike, or other hostile act.

Grayson's response was to shove Employee 1 with both hands and then strike her in the face. Even treating Employee 1's hands on Grayson's shoulders as the first touch in a technical sense, Grayson's response was out of proportion to it. Hands on the shoulders do not present the kind of threat that justifies shoving and then striking another person in the face. Nothing in the video, the witness statements, or Grayson's own account gives a reason to think she believed she was in danger requiring that level of force at that moment.

Under Indiana Code § 35-41-3-2(c), force used in self-defense must be reasonable in relation to the threat presented. Grayson's escalation to striking Employee 1 in the face was not a proportionate or justified response to being touched on the shoulders. As a matter of law, it is Grayson's blow, not Employee 1's earlier contact, that started the altercation.

C. Defense of the Minor Employee

Employee 1's initial intervention is independently justified as defense of a third person. She said she thought Grayson was going to attack the minor employee, so she stepped in. The minor employee was being confronted at close range by an angry adult customer who was actively reaching around Employee 1 toward her. Indiana Code § 35-41-3-2(c) permits the use of reasonable force to protect a third person from what a person reasonably believes to be the imminent use of unlawful force. Stepping between the two and placing her hands on Grayson's shoulders to maintain distance falls within that protection.

D. Self-Defense by Employee 1 and the Proportionality of Her Response

Once Grayson struck her, Employee 1 was entitled to defend herself. The harder question is whether her response stayed proportionate as the struggle continued, particularly once Grayson had a grip on her hair and both women were on the floor. Witnesses describe Grayson continuing to strike Employee 1 throughout, "throwing haymakers the whole time," according to Employee 2, while Employee 1 tried to free herself and called out for Grayson to let go. Employee 1's own account is that she struck back only after being hit and while her hair was still being pulled, and that she could not see clearly because her head was pulled down.

That account is consistent with the video and with Employee 2's statement that Grayson kept her grip on Employee 1's hair even as coworkers pulled them apart. On this record, Employee 1's use of force tracks the duration of Grayson's continued hold and blows rather than continuing past it. There is no evidence she struck Grayson after the two were separated or after Grayson released her hair. The evidence does not establish that her response exceeded what a person could reasonably believe necessary to end an ongoing attack in which her hair was being forcibly pulled.

E. Causation and the Medical Evidence

The Coroner's certification of Grayson's manner of death as Undetermined, after concluding she sustained no significant contributory injuries, reflects the medical examiner's own inability to say with reasonable medical certainty that the altercation caused her death rather than her preexisting congestive heart failure running its course under stress. That uncertainty matters legally as well as medically. To prove reckless homicide, the State must establish beyond a reasonable doubt both that a defendant's

conduct caused death and that the conduct was reckless — a conscious disregard of harm that might result. A finding that the medical examiner cannot determine the manner of death with reasonable medical certainty falls well short of what the State would need to prove causation beyond a reasonable doubt, a higher standard than the Coroner's own.

Nothing in the record indicates Employee 1 had any knowledge of Grayson's cardiac history, which forecloses any argument that a fatal reaction to a physical struggle was a foreseeable, conscious risk she disregarded.

F. Potential Offenses Applied to the Facts

The evidence could support the elements of battery — an intentional touching of another in a rude, insolent, or angry manner resulting in injury — based on Employee 1 striking Grayson during the struggle. It does not support aggravated battery, which requires an injury creating a substantial risk of death, serious permanent disfigurement, or prolonged loss of function. Grayson's injuries from the altercation itself were not identified by the Coroner as contributory to her death or otherwise serious under that standard. It does not support reckless homicide, for the causation and recklessness reasons discussed above.

G. Whether the State Can Disprove Self-Defense Beyond a Reasonable Doubt

Self-defense and defense of another are affirmative defenses. Once raised, the State must disprove them beyond a reasonable doubt to sustain a conviction. See *Miller v. State*, 720 N.E.2d 696 (Ind. 1999). To do so here, the State would need to show that Employee 1 was the initial aggressor, that she did not reasonably believe force was necessary, that her force was disproportionate to the threat, or that she was otherwise not entitled to the defense.

The evidence points the other way on each factor: Grayson, not Employee 1, escalated the encounter to violence, and did so disproportionately to the minimal contact that preceded it. Employee 1 reasonably believed force was necessary to protect a minor coworker and then herself. Finally, her own use of force tracked the duration of Grayson's attack rather than exceeding it.

On this record, the State cannot disprove the justification defense beyond a reasonable doubt.

XI. Conclusion

Based on the evidence reviewed to date, the available record does not support filing criminal charges. Grayson, not Employee 1, escalated the encounter to violence, and did so disproportionately to the minimal contact that preceded it. Employee 1's use of force was justified first as defense of a minor coworker and then as self-defense, and it did not exceed what the ongoing struggle reasonably called for. Nor does the record establish that any

conduct at the restaurant caused Grayson's death to the degree of certainty the law requires. Under Indiana law, the State cannot proceed unless it can disprove legal justification beyond a reasonable doubt, and on this record it cannot.

The current conclusion is that no criminal charges will be filed.

Exhibits

Link to video released by the Fort Wayne Police Department
[Tim Horton's Fort Wayne May 13, 2026](#)

Outside patio of scene. Photo take by Fort Wayne
Police Department



Inside photo of scene. Photo taken by Fort Wayne Police Department





Inside photo of scene. Photo taken by Fort Wayne Police Department



Screen Shot from
surveillance video
from Tim Hortons
of initial verbal
altercation with
juvenile employee

Screen shot of surveillance in Tim Hortons when Employee 1 steps in between Juvenile employee



Screen shot from surveillance in Tim Hortons of Employee 1 placing hands on Anita Grayson's shoulders





Screen shot from surveillance video of Anita Grayson hitting Employee 1



Screen shot
of Anita
Grayson
after
physical
altercation
kneeling on
the ground



Screen shot of surveillance video- hair on the floor after the physical altercation



- Screen shot of surveillance video of Anita Grayson walking after physical altercation

Screen shot of surveillance video of Anita Grayson sitting in chair and Employee 3 after the physical altercation.



Screen shot of surveillance of Anita Grayson picking up hair off the ground





Employee 1 injuries. Photo taken by Fort Wayne Police Department

Employee 1 hands. Photo taken by Fort Wayne Police Department



Employee 1 Injury. Photo taken by Fort Wayne Police Department





Employee 1 hair
gathered from
altercation.
Photo taken by
Fort Wayne Police
Department

Note Regarding Photographic Exhibits

Out of respect for Anita Grayson and her family, the State has elected not to include or present any photographs depicting Ms. Grayson after the onset of her medical event. This decision should not be construed as suggesting the existence of injuries inconsistent with the evidence. As documented in the investigating officers' reports, there were no visible injuries to Ms. Grayson's face.