

Memo to File 17-1342/76

Report Date: 05/23/2017

Primary Information

Description: **Use of Force by Deputy Stroik Justified**
Reporting LEO: **Reimer, Michael T (Wausau Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status: **Approved**
Approved Date: **06/07/2017**
Approved By: **Giese, Cindy K (Wausau Narcotics DCI / Wisconsin Department of Justice DCI)**

Synopsis

On 05/19/2017, Marathon Co. District Attorney Theresa Wetzsteon released a public statement regarding the officer involved shooting that occurred on 03/02/2017 in the Town of Rib Mountain.

DA Wetzsteon described the events where Deputy Megan Sowinski came upon John Hall's pick-up truck near the intersection of Morning Glory Lane and Swan Ave. Deputy Sowinski observed Hall holding a second male hostage. Hall was armed with a handgun initially and eventually armed himself with a rifle as well. Negotiations were attempted for over two hours with Hall.

Hall eventually pointed his rifle in the direction of officers and then the hostage. Deputy Brandon Stroik fired one shot from his department rifle, striking Hall in the head, killing him.

DA Wetzsteon noted in her release Hall had a high level of methamphetamine in his system per toxicology reports.

The following statement was made by DA Wetzsteon in her release:

After review and consideration of all the information, it is clear that Deputy Brandon Stroik was justified in the use of lethal force during this incident with John J. Hall. Deputy Stroik had a legal privilege to use deadly force to protect the civilian hostage, himself, the residents in the area, and fellow officers. Deputy Stroik had an actual and reasonable belief that the force used was necessary to prevent imminent death or great bodily harm to himself or another person. Deputy Stroik had no reasonable opportunity to use any lesser means of force.

Documents

Document

Press Release

District Attorney
THERESA WETZSTEON

Assistant District Attorneys
CHAD MINDER
LESLI PLUSTER
SIDNEY A. BRUBACHER
KYLE R. MAYO
ANITA M. LAWRENCE
KERRI M. PUIG
RALPH M. UTTKE
MATTHEW W. ADRIAN
RAYMOND L. PELRINE

Restorative Justice Attorney
DESIREE TOLDT



Courthouse
500 Forest Street
Wausau, WI 54403-5568
T (715) 261-1111
F (715) 261-1100

May 19, 2017

PRESS RELEASE- OFFICER INVOLVED SHOOTING MARCH 2, 2017

SUMMARY

On March 2, 2017, an officer-involved shooting took place at the intersection of Swan Avenue and Morning Glory Lane in the Town of Rib Mountain, Marathon County, Wisconsin. While on patrol in a fully marked squad car, Deputy Megan Sowinski of the Marathon County Sheriff's Office observed a pickup truck stopped at the intersection of Swan Avenue and Morning Glory Lane. The driver's side door of the pickup truck was open and there was one individual standing outside the vehicle with his hands raised in front of his body and one individual in the driver's side compartment area. The individual inside the driver's side of the vehicle was seated on the floor board with his legs out of the vehicle. This individual was later identified as John J. Hall. Upon arrival at the location of the parked vehicle, Deputy Sowinski observed that Hall was armed with a firearm. She observed that the individual standing outside of the vehicle with his hands raised was within arms' reach of Hall and Hall was pointing the firearm in the direction of that individual. Deputy Sowinski requested backup upon observing that Mr. Hall had a firearm. Law enforcement officers from several agencies and the Marathon County Crisis Negotiation Team responded to the scene. Deputy Brandon Stroik of the Marathon County Sheriff's Office was on duty at the time and did respond to Deputy Sowinski's request for backup. Law enforcement attempted to negotiate with Hall for nearly two and a half hours as Hall continued to brandish a firearm and hold the second individual as a hostage. Law enforcement's repeated attempts to get Hall to drop his firearm were unsuccessful. Hall armed himself with a second firearm and continued to point the firearms toward law enforcement and the hostage. As Hall became increasingly visibly agitated while brandishing two firearms, Deputy Stroik fired one round from his service weapon and fatally shot Hall.

After careful consideration of all the available evidence, I have concluded that Deputy Brandon Stroik was justified in his use of lethal force during this incident. The summary and analysis of the relevant facts discovered during the course of the investigation which form the basis for this conclusion are set forth below.

INVESTIGATION AND REVIEW

As a result of the incident, and pursuant to the laws of the State of Wisconsin, a comprehensive investigation was undertaken by the Department of Justice, Division of Criminal Investigation (DCI). The Marathon County Sheriff's Office requested the assistance of DCI pursuant to Wisconsin Statutes § 175.47, which requires investigation into a law enforcement officer-involved death be conducted by an agency independent from the agency that employs the law enforcement officer involved. Further, Wisconsin Statute § 175.47(5)(a) requires that the investigation reports from an officer-involved death be provided to the district attorney of the county in which the officer-involved death occurred. Upon review, in accordance with Wisconsin Statutes § 175.47(5)(b), the district attorney for the county in which the officer-involved death occurred is to determine whether there is a basis to prosecute the law enforcement officer involved.

MATERIALS REVIEWED

The investigation in this matter included interviews, records, investigative reports, scene mapping, photographs, squad video, evidence collection, laboratory testing, an autopsy report and photographs, the toxicology report for Hall, Wisconsin State Crime Laboratory reports and other miscellaneous information. These items were reviewed and the following is a summary of that information.

FACTUAL SUMMARY

On March 2, 2017, at approximately 1:04 a.m., Deputy Megan Sowinski of the Marathon County Sheriff's Office was on routine patrol when she observed a pickup truck stopped at the intersection of Swan Avenue and Morning Glory Lane in the Town of Rib Mountain, Marathon County, Wisconsin. Deputy Sowinski believed the truck was in the ditch or may have been involved in a crash as she observed clutter in the street near the vehicle. Deputy Sowinski was operating a fully marked Marathon County Sheriff's Office vehicle. She parked her patrol vehicle in the intersection facing southwest toward the pickup truck. The patrol vehicle was equipped with a functioning camera that was operational and turned on. The camera captured the incident from the moment Deputy Sowinski pulled up to the intersection. As Deputy Sowinski got out of her vehicle she observed two males near the open driver side door of the vehicle. One of the males Deputy Sowinski observed was standing outside the open door in between the open door and the door post. The other male was seated on the running board on the driver's side. Deputy Sowinski observed the seated male's hand come out from behind the driver's side door and she observed a handgun in the male's hand. The male standing outside the vehicle stated, "He's fucking crazy and he has a gun pointed at me!"

Deputy Sowinski did not retreat from the situation but rather held her position and immediately called for law enforcement back-up. Deputy Sowinski's patrol vehicle was 28 feet from the pickup truck. Despite the threat to her personal safety at that distance, Deputy Sowinski continued to hold her position throughout the entire incident. Deputy Sowinski requested that law enforcement officers responding to assist turn off their flashing lights before arrival in an effort to avoid escalation of the situation. The scene of the incident is residential with numerous

occupied dwellings surrounding the location of the pickup truck. Deputy Sowinski continued to talk with the males in an urgent, yet calm, manner. The male seated on the driver's side running board was later identified as John J. Hall. Deputy Sowinski ordered Hall multiple times to drop the gun. Deputy Sowinski also continued to try to engage Hall in conversation. Deputy Sowinski observed that Hall was continually moving his body erratically. Law enforcement officers responding to the scene noted that Hall's movements were very jerky and he seemed very agitated. Responding officers familiar with the effects of methamphetamine noted, during the course of interviews with DCI, that Hall's demeanor and movements at the scene were very similar to the effects people display when they are under the influence of methamphetamine.

Hall, at times, held the firearm, a handgun, in his left hand and proceeded to wave the handgun in the direction of other officers who had arrived on the scene as well as toward the civilian hostage. Hall's actions with the gun caused officers at the scene to have to seek cover. The civilian hostage remained within reach of Hall throughout the incident. Hall told Deputy Sowinski that he could see that there were other officers and if they came any closer he "was going to shoot them." Deputy Sowinski continued to talk with Hall. Hall told her that she needed to check on his wife because she was being held hostage. Law enforcement did respond to Hall's residence and confirmed that his wife was safe. Hall continued to make erratic movements and talk in an agitated tone. Deputy Sowinski offered for Hall to talk with his wife if he would drop the gun. Hall refused to drop the gun. At approximately 1:18 a.m., Deputy Brandon Stroik of the Marathon County Sheriff's Office arrived on the scene.

Deputy Stroik enlisted in the United States Army Infantry in December of 2004. Deputy Stroik was deployed to the 1st Armored Division in Germany in July, 2005 and then deployed to Iraq from January, 2006 until February, 2007. He continued to serve until he was honorably discharged in May, 2008. Deputy Stroik was designated as a "squad designated marksman" in the Army and received the Army Commendation Medal while deployed. Deputy Stroik then joined the National Guard in September, 2008 and served until September, 2014, when he was honorably discharged. While in the National Guard, Deputy Stroik was assigned to the scout platoon as a sniper with the 1/128th in April, 2010. Deputy Stroik trained monthly in scouting, shooting, intelligence gathering, and radio communications. Deputy Stroik was promoted to Sergeant and sniper team leader in late 2011 or early 2012. While in the National Guard, Deputy Stroik received the Army Achievement Medal.

Deputy Stroik is a graduate of the law enforcement academy at Northeast Wisconsin Technical College and graduated from a 520 hour basic recruit school in April, 2009. Deputy Stroik began his law enforcement career with the Village of Spencer Police Department in Marathon County as a part-time police officer in April, 2009 until December, 2009. He continued his law enforcement service as a full-time deputy sheriff with Columbia County Sheriff's Office from January, 2010 until December, 2013, where he was also a member of the SWAT Team and a canine handler. While employed in Columbia County, he attended monthly SWAT training and sniper training as a member of the SWAT team. Deputy Stroik began with the Marathon County Sheriff's Office as a full-time patrol deputy and canine handler in January, 2014. He is a member of the SWAT Team and a sniper.

Upon arrival, Deputy Stroik positioned himself in a field west of Swan Avenue and to the north of Morning Glory Lane, north of the pickup truck and approximately 45 yards away. Deputy Stroik chose a position that put him in the best location to protect the civilian hostage, his fellow officers, and the local residents without regard for his personal safety. He positioned himself in an area that provided concealment, but no protection from gun fire. Deputy Stroik set up with his rifle and began observing through his scope. Deputy Stroik was able to observe a handgun in Hall's left hand and a bolt action rifle with a scope between the driver seat and the "B" pillar of the truck.

Hall requested a cellular phone. Deputy Sowinski's first attempt to provide Hall with a cell phone was unsuccessful as Deputy Sowinski's throw did not reach Hall. Deputy Sowinski asked Hall if the civilian hostage could get the phone for Hall. Hall told the civilian hostage that he was using the male as a shield because he knew that law enforcement would not shoot him if the male was in the way. Hall said he did not want to hurt anyone. Hall had his handgun pointed to the west over the seat of the truck through the rear window at officers to the west. Deputy Stroik was able to observe at one point that Hall's finger was on the trigger of the weapon.

Hall requested another cellular phone. A deputy assigned to the Explosives Ordinance Disposal Team brought a robot to the scene. At 2:25 a.m., a cellular phone was successfully delivered by a tactical robot. Hall appeared visibly upset about the robot's presence and the robot was backed away from Hall. Lieutenant Bill Taylor of the Wausau Police Department, a trained SWAT officer and sniper, responded to assist Deputy Sowinski. He reported that he observed the feed from the camera mounted to the robot and could clearly see that Hall was in possession of a handgun and that Hall's finger was covering the trigger.

Deputy Sowinski continued to try to negotiate with Hall by phone. Hall repeatedly stated that he did not believe that the officers at the scene were real police officers. Hall requested to talk with particular police officers that Hall knew were real police officers from the Wausau Police Department. Deputy Sowinski tried to get the requested officers to the scene. One requested officer was out of the area and one was retired. Deputy Sowinski offered for Hall to talk with one of the requested officers by phone or Face Time, but Hall refused. Members of the Marathon County Sheriff's Office Crisis Negotiation Team also arrived on scene. On two occasions, Hall asked to talk with the Negotiation Team and Hall did speak with them by telephone.

The civilian hostage at the scene remained at arms' length or closer to Hall with his hands raised in a surrender posture until eventually he got into the front seat of the truck and was sitting on the center console or driver's seat area while Hall was seated on the floorboard on the driver's side of the vehicle with his feet outside the truck facing toward the northwest. As Hall talked on the cellular phone, his movements became more animated. He began to look underneath the truck while holding the handgun in his hand and look out the driver's side window of the open driver's side door with his gun moving in the air. Deputy Stroik observed that Hall moved the rifle in the vehicle onto his lap with his right hand on the rifle in a ready to fire grip and the handgun was in Hall's left hand. Deputy Stroik observed as Hall pointed his gun at Deputy Stroik. Other responding officers observed that Hall pointed and waved the gun in their direction on at least three occasions causing the officers to take cover. Deputy Stroik was very conscious

of the safety of the civilian hostage near Hall. Despite Hall pointing his gun repeatedly at officers at the scene and at the civilian hostage, Deputy Stroik did not fire at Hall because of the close proximity of the civilian hostage to Hall.

Responding officers discussed possibly charging at Hall and attempting to disarm him. This was determined to not be a viable option because the officers would have to cover too much ground to reach Hall, giving Hall ample opportunity to shoot and kill them and/or the civilian hostage.

At approximately two hours and twenty minutes after Deputy Sowinski arrived at the scene, Hall dropped his hand gun onto the ground just outside the driver's side of the vehicle. Officer Peter Fish of the Wausau Police Department ordered Hall to not pick up the gun. Up to this point in the incident, Deputy Sowinski was the only on-scene voice communicating with Hall. Deputy Sowinski believes she had told Hall to drop his weapon at least 12 times during her negotiations with him. Hall heard Officer Fish's command, ignored it and picked up the gun. Hall then yelled "Where are you?" and began looking under the truck and pointing the pistol in all directions. Hall stood up out of the truck with the rifle in his hands and swung the rifle to the west and began to lower it towards the officers behind the truck to the west. Hall then began to move the rifle back toward the civilian hostage and the civilian hostage raised his hands. At this point, the civilian hostage was out of the direct line of fire of Deputy Stroik. At 3:29 a.m., Deputy Stroik fired a single shot from his rifle. At the time of firing the shot, Deputy Stroik stated that he felt the suspect was going to shoot the civilian hostage or possibly other officers, with the civilian hostage being in the most immediate danger as Hall had moved the rifle barrel in the direction of the civilian hostage.

The single shot by Deputy Stroik struck Hall on the right side of his face resulting in fatal injuries. An examination of Deputy Stroik's gun confirmed that he had fired one round at the scene.

A forensic autopsy was performed on Hall by Michael Stier, M.D., a staff pathologist with the University of Wisconsin Hospitals and Clinics in Madison, Wisconsin on March 2, 2017. Hall's body was brought to the University of Wisconsin Anatomic Pathology Laboratory by the Marathon County Medical Examiner in a sealed body bag. Dr. Stier observed and removed Hall's clothing for examination. Dr. Stier noted that he located a small pink Ziploc-like baggy measuring approximately 4.6 cm maximally in the pocket watch pocket of Hall's jeans. The baggy was retained, as Dr. Stier noted that it was suggestive of drug use. Blood and urine samples were also retrieved from Hall for toxicology. After examination of Hall, Dr. Stier concluded that Hall died of a firearm injury sustained during an engagement with law enforcement.

The blood and urine samples taken from Hall were submitted to NMS Laboratories. The results indicate the presence of methamphetamine in Hall's blood at 1100 ng/mL. The NMS Laboratory report indicates that "blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions".¹

¹ NMS Labs Supplemental Report dated March 22, 2017.

The pink baggie located in the jeans pocket of Hall was submitted to the Wisconsin State Crime Laboratory for testing. The Wisconsin State Crime Laboratory reported that examinations of the residue from the baggie identified the presence of methamphetamine.

Hall's wife of 7 years reported that Hall had been in a motor vehicle accident on November 10, 2016. She stated that he had received a head injury as a result of the crash. Medical records indicated a diagnosis of post-concussive syndrome. Hall's wife further stated that results of an MRI and CAT scan of Hall's brain after the motor vehicle crash did not identify an injury to the brain. An MRI in December, 2016 did not show any acute abnormalities and a CAT scan of Hall's head on November 29, 2016 revealed no evidence of acute fracture or malalignment. Hall's wife indicated that following the crash and, most significantly, in the recent weeks prior to March 2, 2017, Hall had been increasingly paranoid and hallucinating. Hall's wife stated that, although Hall was never physically abusive toward her, Hall's paranoia led him to threaten her.

On the night of March 1, 2017, Hall was at his residence with his wife and the civilian hostage involved in this incident. Shortly after 8:00 pm, Hall began tearing the house apart and cutting wires because Hall thought people were listening to him or watching him. The civilian hostage in this incident observed this behavior. The civilian hostage also stated that Hall had told him Hall's guns were always loaded with a round in the chamber. Hall had a pistol in the basement and the civilian hostage was able to get the pistol away from Hall initially, but Hall then picked it up again. Hall then got out a scoped rifle and, while sitting on the couch with the firearm, it discharged going through part of the couch. The sound of the shot was heard by Hall's wife upstairs. When leaving that evening at approximately 11:00 p.m., Hall insisted on bringing the rifle with him and he placed it in the front of the cab of the pickup truck next to the driver's seat. Between 11:00 p.m. and 1:00 a.m., the civilian hostage observed Hall's behavior to be increasingly strange and escalating. Hall brandished the gun ordering the civilian hostage to get into the truck. Hall was waving the gun around and pointing the gun at the hostage. The civilian hostage indicated that when Hall stopped the vehicle at the intersection of Swan Avenue and Morning Glory Lane, the civilian hostage was allowed to get out of the truck and he proceeded to move the salt bag in the back of the truck to show Hall that it was not a person. The civilian hostage eventually took everything out of the back of the truck, including shovels, salt and other items. Hall and the civilian hostage were at the intersection for 30 minutes to 45 minutes before Deputy Sowinski arrived. Prior to Deputy Sowinski's arrival, the civilian hostage tried to walk away from Hall and Hall told him that if he walked away, Hall would shoot him in the back. The civilian hostage indicated that Hall had the pistol in his hand during the entire incident. At one point, the civilian hostage confirmed that Hall had the rifle in one hand and the pistol in the other. The civilian hostage stated that he thought he was going to die during that evening. The civilian hostage said the officer tried to get Hall to put his gun down, but Hall would not. The civilian hostage said that the officer also wanted Hall to let the civilian hostage go, but Hall would not allow that to happen.

The guns possessed by Hall during the incident were a Black Norinco, model 213, 9mm semi-automatic pistol and a Winchester, model 70, .243 caliber bolt-action rifle. Examination of the pistol revealed that the safety was in the "fire" position. The magazine contained five live 9mm

rounds and there were no rounds inserted into the chamber of the pistol. The rifle safety was in the “fire” position and a live .243 caliber round was removed from the chamber.

LEGAL ANALYSIS

After review and consideration of all the information, it is clear that Deputy Brandon Stroik was justified in the use of lethal force during this incident with John J. Hall. Deputy Stroik had a legal privilege to use deadly force to protect the civilian hostage, himself, the residents in the area, and fellow officers. Deputy Stroik had an actual and reasonable belief that the force used was necessary to prevent imminent death or great bodily harm to himself or another person. Deputy Stroik had no reasonable opportunity to use any lesser means of force.

During the incident on March 2, 2017, Hall brandished two firearms, a pistol and a rifle, in a residential neighborhood. Hall was ordered repeatedly by Deputy Sowinski to drop his weapon and Hall ignored Deputy Sowinski’s commands. A civilian hostage was within reach of Hall as he waved and pointed the weapons at officers and the civilian hostage. When Hall dropped the pistol, Hall was ordered to not pick up the pistol by Officer Fish. Hall ignored Officer Fish’s orders, picked up the pistol and then proceeded to arm himself with a rifle. Despite Hall’s behavior, Deputy Sowinski and members of the Marathon County Sheriff’s Office Crisis Negotiation Team attempted to convince Hall to drop his weapons for nearly two and a half hours. Multiple officers and the civilian hostage expressed fear of death or great bodily harm under the circumstances. The interviews of the law enforcement officers who were on scene, as well as the information from the civilian hostage and review of the patrol car videos, provide consistent accounts of the incident.

Deputy Sowinski and the Crisis Negotiation Team members along with all the officers who responded to this incident acted with great restraint, demonstrating respect for the life of the civilian hostage and Hall.

The Department of Justice, Division of Criminal Investigation is commended for their very thorough investigation into this matter. The review of the information from their investigation resulted in the very clear conclusion that the force used by Deputy Stroik was appropriate under the totality of the circumstances as presented during the incident on March 2, 2017.

Theresa Wetzsteon
District Attorney
Marathon County

Wisconsin Department of Justice DCI

Case Closure 17-1342/77

Report Date: 05/23/2017

Primary Information

Description: **Case Closure**
Reporting LEO: **Reimer, Michael T (Wausau Special Assignments DCI / Wisconsin Department of Justice DCI)**
Backup LEO: **Sleeman, Tami M (Wausau Special Assignments DCI / Wisconsin Department of Justice DCI)**
Approval Status: **Approved**
Approved Date: **05/31/2017**
Approved By: **Giese, Cindy K (Wausau Narcotics DCI / Wisconsin Department of Justice DCI)**

Addresses

<u>Relationship</u>	<u>Address</u>
Location of Event	Swan Ave & Morning Glory Ln, Wisconsin , United States of America

Subjects

<u>Relationship</u>	<u>Name</u>	<u>Bio</u>	<u>DOB</u>
Mentioned	Wetzsteon, Theresa (Crime Lab Personnel)		---
Deceased	Hall, John J (Person)	34 yr. old, White, Male	██████████

Documents

Document
Press Release

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number:17-1342/77 - Case Closure

On Thursday, 03/02/2017, at approximately 1:04 a.m. Deputy Megan Sowinski of the Marathon Co. Sheriff's Department was on patrol near the intersection of Swan Ave. and Morning Glory Ln. in the Town of Rib Mountain, Marathon Co. WI. Deputy Sowinski observed a pickup truck stopped at the intersection with two individuals on the driver side of the vehicle. Deputy Sowinski observed one of the individuals was armed with a firearm and requested back-up.

The individual armed with the firearm was later identified as John Hall. Law enforcement officers attempted to negotiate with Hall as he held the second individual hostage. During the incident, Hall was shot by Deputy Brandon Stroik and Hall was pronounced dead at the scene.

The Marathon Co. Sheriff's Department requested the Division of Criminal Investigation to conduct an investigation into the shooting.

On 05/19/2017, Marathon Co. District Attorney Theresa Wetzsteon released a public statement regarding the officer involved shooting that occurred on 03/02/2017 in the Town of Rib Mountain.

DA Wetzsteon described the events where Deputy Megan Sowinski came upon John Hall's pick-up truck near the intersection of Morning Glory Lane and Swan Ave. Deputy Sowinski observed Hall holding a male hostage. Hall was armed with a handgun initially and eventually armed himself with a rifle as well. Negotiations were attempted for over two hours with Hall.

Hall eventually pointed his rifle in the direction of officers and then the hostage. Deputy Brandon Stroik fired one shot from his department rifle, striking Hall in the head, killing him.

DA Wetzsteon noted in her release Hall had a high level of methamphetamine in his system per toxicology reports. The release is attached electronically to this report.

The following statement was made by DA Wetzsteon in her release:

After review and consideration of all the information, it is clear that Deputy Brandon Stroik was justified in the use of lethal force during this incident with John J. Hall. Deputy Stroik had a legal privilege to use deadly force to protect the civilian hostage, himself, the residents in the area, and fellow officers. Deputy Stroik had an actual and reasonable belief that the force used was necessary to prevent imminent death or great bodily harm to himself or another person. Deputy Stroik had no reasonable opportunity to use any lesser means of force.

Comments/Recommendations:

S/A Reimer recommends the case file be closed as the investigation has been completed.

District Attorney
THERESA WETZSTEON

Assistant District Attorneys
CHAD MINDER
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May 19, 2017

PRESS RELEASE- OFFICER INVOLVED SHOOTING MARCH 2, 2017

SUMMARY

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After careful consideration of all the available evidence, I have concluded that Deputy Brandon Stroik was justified in his use of lethal force during this incident. The summary and analysis of the relevant facts discovered during the course of the investigation which form the basis for this conclusion are set forth below.

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MATERIALS REVIEWED

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Hall, at times, held the firearm, a handgun, in his left hand and proceeded to wave the handgun in the direction of other officers who had arrived on the scene as well as toward the civilian hostage. Hall's actions with the gun caused officers at the scene to have to seek cover. The civilian hostage remained within reach of Hall throughout the incident. Hall told Deputy Sowinski that he could see that there were other officers and if they came any closer he "was going to shoot them." Deputy Sowinski continued to talk with Hall. Hall told her that she needed to check on his wife because she was being held hostage. Law enforcement did respond to Hall's residence and confirmed that his wife was safe. Hall continued to make erratic movements and talk in an agitated tone. Deputy Sowinski offered for Hall to talk with his wife if he would drop the gun. Hall refused to drop the gun. At approximately 1:18 a.m., Deputy Brandon Stroik of the Marathon County Sheriff's Office arrived on the scene.

Deputy Stroik enlisted in the United States Army Infantry in December of 2004. Deputy Stroik was deployed to the 1st Armored Division in Germany in July, 2005 and then deployed to Iraq from January, 2006 until February, 2007. He continued to serve until he was honorably discharged in May, 2008. Deputy Stroik was designated as a "squad designated marksman" in the Army and received the Army Commendation Medal while deployed. Deputy Stroik then joined the National Guard in September, 2008 and served until September, 2014, when he was honorably discharged. While in the National Guard, Deputy Stroik was assigned to the scout platoon as a sniper with the 1/128th in April, 2010. Deputy Stroik trained monthly in scouting, shooting, intelligence gathering, and radio communications. Deputy Stroik was promoted to Sergeant and sniper team leader in late 2011 or early 2012. While in the National Guard, Deputy Stroik received the Army Achievement Medal.

Deputy Stroik is a graduate of the law enforcement academy at Northeast Wisconsin Technical College and graduated from a 520 hour basic recruit school in April, 2009. Deputy Stroik began his law enforcement career with the Village of Spencer Police Department in Marathon County as a part-time police officer in April, 2009 until December, 2009. He continued his law enforcement service as a full-time deputy sheriff with Columbia County Sheriff's Office from January, 2010 until December, 2013, where he was also a member of the SWAT Team and a canine handler. While employed in Columbia County, he attended monthly SWAT training and sniper training as a member of the SWAT team. Deputy Stroik began with the Marathon County Sheriff's Office as a full-time patrol deputy and canine handler in January, 2014. He is a member of the SWAT Team and a sniper.

Upon arrival, Deputy Stroik positioned himself in a field west of Swan Avenue and to the north of Morning Glory Lane, north of the pickup truck and approximately 45 yards away. Deputy Stroik chose a position that put him in the best location to protect the civilian hostage, his fellow officers, and the local residents without regard for his personal safety. He positioned himself in an area that provided concealment, but no protection from gun fire. Deputy Stroik set up with his rifle and began observing through his scope. Deputy Stroik was able to observe a handgun in Hall's left hand and a bolt action rifle with a scope between the driver seat and the "B" pillar of the truck.

Hall requested a cellular phone. Deputy Sowinski's first attempt to provide Hall with a cell phone was unsuccessful as Deputy Sowinski's throw did not reach Hall. Deputy Sowinski asked Hall if the civilian hostage could get the phone for Hall. Hall told the civilian hostage that he was using the male as a shield because he knew that law enforcement would not shoot him if the male was in the way. Hall said he did not want to hurt anyone. Hall had his handgun pointed to the west over the seat of the truck through the rear window at officers to the west. Deputy Stroik was able to observe at one point that Hall's finger was on the trigger of the weapon.

Hall requested another cellular phone. A deputy assigned to the Explosives Ordinance Disposal Team brought a robot to the scene. At 2:25 a.m., a cellular phone was successfully delivered by a tactical robot. Hall appeared visibly upset about the robot's presence and the robot was backed away from Hall. Lieutenant Bill Taylor of the Wausau Police Department, a trained SWAT officer and sniper, responded to assist Deputy Sowinski. He reported that he observed the feed from the camera mounted to the robot and could clearly see that Hall was in possession of a handgun and that Hall's finger was covering the trigger.

Deputy Sowinski continued to try to negotiate with Hall by phone. Hall repeatedly stated that he did not believe that the officers at the scene were real police officers. Hall requested to talk with particular police officers that Hall knew were real police officers from the Wausau Police Department. Deputy Sowinski tried to get the requested officers to the scene. One requested officer was out of the area and one was retired. Deputy Sowinski offered for Hall to talk with one of the requested officers by phone or Face Time, but Hall refused. Members of the Marathon County Sheriff's Office Crisis Negotiation Team also arrived on scene. On two occasions, Hall asked to talk with the Negotiation Team and Hall did speak with them by telephone.

The civilian hostage at the scene remained at arms' length or closer to Hall with his hands raised in a surrender posture until eventually he got into the front seat of the truck and was sitting on the center console or driver's seat area while Hall was seated on the floorboard on the driver's side of the vehicle with his feet outside the truck facing toward the northwest. As Hall talked on the cellular phone, his movements became more animated. He began to look underneath the truck while holding the handgun in his hand and look out the driver's side window of the open driver's side door with his gun moving in the air. Deputy Stroik observed that Hall moved the rifle in the vehicle onto his lap with his right hand on the rifle in a ready to fire grip and the handgun was in Hall's left hand. Deputy Stroik observed as Hall pointed his gun at Deputy Stroik. Other responding officers observed that Hall pointed and waved the gun in their direction on at least three occasions causing the officers to take cover. Deputy Stroik was very conscious

of the safety of the civilian hostage near Hall. Despite Hall pointing his gun repeatedly at officers at the scene and at the civilian hostage, Deputy Stroik did not fire at Hall because of the close proximity of the civilian hostage to Hall.

Responding officers discussed possibly charging at Hall and attempting to disarm him. This was determined to not be a viable option because the officers would have to cover too much ground to reach Hall, giving Hall ample opportunity to shoot and kill them and/or the civilian hostage.

At approximately two hours and twenty minutes after Deputy Sowinski arrived at the scene, Hall dropped his hand gun onto the ground just outside the driver's side of the vehicle. Officer Peter Fish of the Wausau Police Department ordered Hall to not pick up the gun. Up to this point in the incident, Deputy Sowinski was the only on-scene voice communicating with Hall. Deputy Sowinski believes she had told Hall to drop his weapon at least 12 times during her negotiations with him. Hall heard Officer Fish's command, ignored it and picked up the gun. Hall then yelled "Where are you?" and began looking under the truck and pointing the pistol in all directions. Hall stood up out of the truck with the rifle in his hands and swung the rifle to the west and began to lower it towards the officers behind the truck to the west. Hall then began to move the rifle back toward the civilian hostage and the civilian hostage raised his hands. At this point, the civilian hostage was out of the direct line of fire of Deputy Stroik. At 3:29 a.m., Deputy Stroik fired a single shot from his rifle. At the time of firing the shot, Deputy Stroik stated that he felt the suspect was going to shoot the civilian hostage or possibly other officers, with the civilian hostage being in the most immediate danger as Hall had moved the rifle barrel in the direction of the civilian hostage.

The single shot by Deputy Stroik struck Hall on the right side of his face resulting in fatal injuries. An examination of Deputy Stroik's gun confirmed that he had fired one round at the scene.

A forensic autopsy was performed on Hall by Michael Stier, M.D., a staff pathologist with the University of Wisconsin Hospitals and Clinics in Madison, Wisconsin on March 2, 2017. Hall's body was brought to the University of Wisconsin Anatomic Pathology Laboratory by the Marathon County Medical Examiner in a sealed body bag. Dr. Stier observed and removed Hall's clothing for examination. Dr. Stier noted that he located a small pink Ziploc-like baggy measuring approximately 4.6 cm maximally in the pocket watch pocket of Hall's jeans. The baggy was retained, as Dr. Stier noted that it was suggestive of drug use. Blood and urine samples were also retrieved from Hall for toxicology. After examination of Hall, Dr. Stier concluded that Hall died of a firearm injury sustained during an engagement with law enforcement.

The blood and urine samples taken from Hall were submitted to NMS Laboratories. The results indicate the presence of methamphetamine in Hall's blood at 1100 ng/mL. The NMS Laboratory report indicates that "blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions".¹

¹ NMS Labs Supplemental Report dated March 22, 2017.

The pink baggie located in the jeans pocket of Hall was submitted to the Wisconsin State Crime Laboratory for testing. The Wisconsin State Crime Laboratory reported that examinations of the residue from the baggie identified the presence of methamphetamine.

Hall's wife of 7 years reported that Hall had been in a motor vehicle accident on November 10, 2016. She stated that he had received a head injury as a result of the crash. Medical records indicated a diagnosis of post-concussive syndrome. Hall's wife further stated that results of an MRI and CAT scan of Hall's brain after the motor vehicle crash did not identify an injury to the brain. An MRI in December, 2016 did not show any acute abnormalities and a CAT scan of Hall's head on November 29, 2016 revealed no evidence of acute fracture or malalignment. Hall's wife indicated that following the crash and, most significantly, in the recent weeks prior to March 2, 2017, Hall had been increasingly paranoid and hallucinating. Hall's wife stated that, although Hall was never physically abusive toward her, Hall's paranoia led him to threaten her.

On the night of March 1, 2017, Hall was at his residence with his wife and the civilian hostage involved in this incident. Shortly after 8:00 pm, Hall began tearing the house apart and cutting wires because Hall thought people were listening to him or watching him. The civilian hostage in this incident observed this behavior. The civilian hostage also stated that Hall had told him Hall's guns were always loaded with a round in the chamber. Hall had a pistol in the basement and the civilian hostage was able to get the pistol away from Hall initially, but Hall then picked it up again. Hall then got out a scoped rifle and, while sitting on the couch with the firearm, it discharged going through part of the couch. The sound of the shot was heard by Hall's wife upstairs. When leaving that evening at approximately 11:00 p.m., Hall insisted on bringing the rifle with him and he placed it in the front of the cab of the pickup truck next to the driver's seat. Between 11:00 p.m. and 1:00 a.m., the civilian hostage observed Hall's behavior to be increasingly strange and escalating. Hall brandished the gun ordering the civilian hostage to get into the truck. Hall was waving the gun around and pointing the gun at the hostage. The civilian hostage indicated that when Hall stopped the vehicle at the intersection of Swan Avenue and Morning Glory Lane, the civilian hostage was allowed to get out of the truck and he proceeded to move the salt bag in the back of the truck to show Hall that it was not a person. The civilian hostage eventually took everything out of the back of the truck, including shovels, salt and other items. Hall and the civilian hostage were at the intersection for 30 minutes to 45 minutes before Deputy Sowinski arrived. Prior to Deputy Sowinski's arrival, the civilian hostage tried to walk away from Hall and Hall told him that if he walked away, Hall would shoot him in the back. The civilian hostage indicated that Hall had the pistol in his hand during the entire incident. At one point, the civilian hostage confirmed that Hall had the rifle in one hand and the pistol in the other. The civilian hostage stated that he thought he was going to die during that evening. The civilian hostage said the officer tried to get Hall to put his gun down, but Hall would not. The civilian hostage said that the officer also wanted Hall to let the civilian hostage go, but Hall would not allow that to happen.

The guns possessed by Hall during the incident were a Black Norinco, model 213, 9mm semi-automatic pistol and a Winchester, model 70, .243 caliber bolt-action rifle. Examination of the pistol revealed that the safety was in the "fire" position. The magazine contained five live 9mm

rounds and there were no rounds inserted into the chamber of the pistol. The rifle safety was in the “fire” position and a live .243 caliber round was removed from the chamber.

LEGAL ANALYSIS

After review and consideration of all the information, it is clear that Deputy Brandon Stroik was justified in the use of lethal force during this incident with John J. Hall. Deputy Stroik had a legal privilege to use deadly force to protect the civilian hostage, himself, the residents in the area, and fellow officers. Deputy Stroik had an actual and reasonable belief that the force used was necessary to prevent imminent death or great bodily harm to himself or another person. Deputy Stroik had no reasonable opportunity to use any lesser means of force.

During the incident on March 2, 2017, Hall brandished two firearms, a pistol and a rifle, in a residential neighborhood. Hall was ordered repeatedly by Deputy Sowinski to drop his weapon and Hall ignored Deputy Sowinski’s commands. A civilian hostage was within reach of Hall as he waved and pointed the weapons at officers and the civilian hostage. When Hall dropped the pistol, Hall was ordered to not pick up the pistol by Officer Fish. Hall ignored Officer Fish’s orders, picked up the pistol and then proceeded to arm himself with a rifle. Despite Hall’s behavior, Deputy Sowinski and members of the Marathon County Sheriff’s Office Crisis Negotiation Team attempted to convince Hall to drop his weapons for nearly two and a half hours. Multiple officers and the civilian hostage expressed fear of death or great bodily harm under the circumstances. The interviews of the law enforcement officers who were on scene, as well as the information from the civilian hostage and review of the patrol car videos, provide consistent accounts of the incident.

Deputy Sowinski and the Crisis Negotiation Team members along with all the officers who responded to this incident acted with great restraint, demonstrating respect for the life of the civilian hostage and Hall.

The Department of Justice, Division of Criminal Investigation is commended for their very thorough investigation into this matter. The review of the information from their investigation resulted in the very clear conclusion that the force used by Deputy Stroik was appropriate under the totality of the circumstances as presented during the incident on March 2, 2017.

Theresa Wetzsteon
District Attorney
Marathon County

Wisconsin Department of Justice DCI

Investigative 17-1342/78

Report Date: 05/24/2017

Primary Information

Description: **Evidence Released to Marathon Co. Sheriff's Dept.**
Occurrence From: **05/24/2017 13:00**
Occurrence To: **05/24/2017 13:00**
Reporting LEO: **Reimer, Michael T (Wausau Special Assignments DCI / Wisconsin Department of Justice DCI)**
Backup LEO: **Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)**
Approval Status: **Approved**
Approved Date: **05/29/2017**
Approved By: **Giese, Cindy K (Wausau Narcotics DCI / Wisconsin Department of Justice DCI)**

Documents

Document
Evidence Release

Narrative begins on the following page.

Wisconsin Division of Criminal Investigation Case Report
Case/Report Number:17-1342/78 - Release of Evidence to Marathon Co. Sheriff's Office

On Wednesday, 05/24/2017, Special Agent Cindy Giese requested Special Agent (S/A) Mike Reimer to release evidence reference the Marathon Co. Officer Involved Death investigation to Chief Deputy Chad Billeb as the shooting was determined to be justified by the Marathon Co. District Attorney's Office.

At approximately 1:00 P.M. on the same date, S/A Reimer met with Teresa Berger at the Wausau DCI Field Office and obtained the items listed on the evidence release form attached to this report electronically and turned those items over to the Chief Deputy. The original forms signed by Chief Deputy Billeb acknowledging receipt of the items were sent to DCIR.

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 2

Offense Number: 17-1342/2

Case Agent: Reimer, Michael T

Item	Quantity	Description
13	1.00	One (1) passenger side sun visor of suspect vehicle
8	1.00	One (1) Norinco brand 9 mm handgun
12	1.00	One (1) unfired rifle round
7	1.00	Cigarette Butt
6	1.00	Cigarette Butt
5	1.00	Cellular Telephone Battery
2	1.00	Fired Cartridge Case
11	1.00	One (1) black colored smart phone
14	1.00	One (1) CD containing scene photos and log
1	1.00	One (1) JP Enterprise .308 rifle
9	1.00	One (1) Winchester .243 caliber bolt action rifle

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 2 of 2

Offense Number: 17-1342/2

Case Agent: Reimer, Michael T

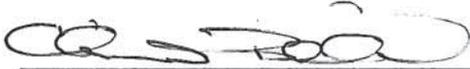
Item	Quantity	Description
------	----------	-------------

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/4

Case Agent: Reimer, Michael T

Item	Quantity	Description
7	2.00	Black in color ankle high Nike socks
6	1.00	Left white and blue in color Nike tennis shoe
8	1.00	Handbag
5	1.00	Right white and blue in color Nike tennis shoe
11	1.00	Major case finger prints
9	1.00	Contents of pants and jacket
1	1.00	Stainless handcuffs
3	1.00	Intact center fire Winchester rifle cartridge
4	1.00	Black Berry cell phone
10	1.00	DNA card

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

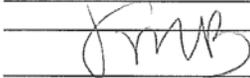
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/15

Case Agent: Reimer, Michael T

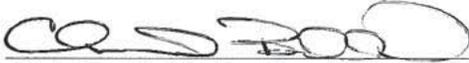
Item	Quantity	Description
2	1.00	Bullet fragments
1	1.00	Hard Drive from Apple Computer
3	1.00	CD containing photographs taken during a consent search at [REDACTED]

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

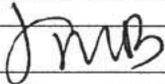
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/21

Case Agent: Reimer, Michael T (Wausau Special Assignments DCI /
Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1.00	(1) Optical disc containing photographs of Deputy Sheriff Brandon Stroik

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

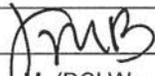
Billeb, Chad D (Marathon County Sheriff's Office / Marathon
County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/5

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	One (1) thumb drive containing Radio Traffic Recordings from MCSO

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

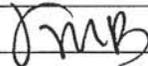
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/3

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	Walmart Surveillance Video

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

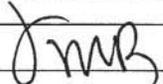
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/7

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	(3) USB drives containing Wausau PD body cam footage

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

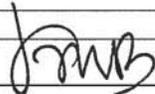
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/1

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	One (1) USB drive containing squad camera video from MCSO

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

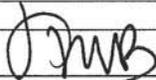
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/18

Case Agent: Reimer, Michael T (Wausau Special Assignments DCI /
Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1.00	One (1) DVD-R containing [REDACTED] s Interview

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

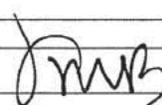
Billeb, Chad D (Marathon County Sheriff's Office / Marathon
County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/71

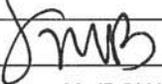
Case Agent: Reimer, Michael T (Wausau Special Assignments DCI / Wisconsin Department of Justice DCI)

Item	Quantity	Description
1	1.00	Rothschild PD Squad Video on DVD

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature  Date Received 5/24/2017
Name Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department) Owner/For Owner _____
Address _____
City/State _____
Telephone  _____
Released By Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)
Verified By _____

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/37

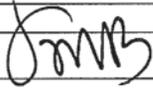
Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	Optical disk with audio recording of interview

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature  Date Received 5/24/2017
Name Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department) Owner/For Owner _____
Address _____
City/State _____
Telephone  _____
Released By Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)
Verified By _____

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/59

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	One (1) CD containing 229 photos of crime scene and One (1) set of index prints.

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

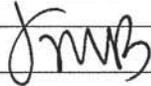
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/49

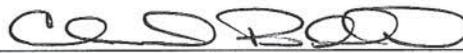
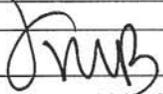
Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	One (1) CD containing photographs of John Hall's Autopsy taken by Crime Lab & Index print of photos

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature  Date Received 5/24/2017
Name Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department) Owner/For Owner _____
Address _____
City/State _____
Telephone  _____
Released By Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)
Verified By _____

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/13

Case Agent: McBain, Charles J

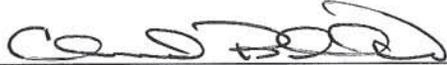
Item	Quantity	Description
1	1.00	One (1) USB Drive containing Lt. Bill Taylor's body cam footage

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

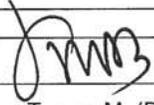
Name

Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State
Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/48

Case Agent: Reimer, Michael T

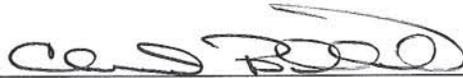
Item	Quantity	Description
2	1.00	One (1) CD containing squad video recording of MCSO Dep. Brehmer
1	3.00	Three (3) CDs containing squad video recordings from Marathon County Sheriff's Dept.

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

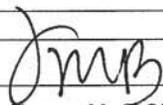
Name

Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State
Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/20

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	One (1) CD containing 6 photographs taken by Dep. Mdrezejewski

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

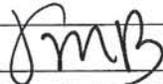
Name

Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State
Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/50

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	2.00	Two (2) CDs containing Wausau PD Squad videos of Officers Grover, Fish, Carr and Price

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

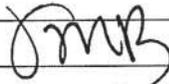
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/19

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	One 8gb thumb drive containing Video Surveillance from Aspirus

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

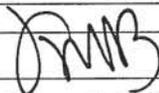
Name

Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State
Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/24

Case Agent: Gibbs, Raymond R

Item	Quantity	Description
1	1.00	Map of Scene Drawn BY Officer Chittum
2	1.00	CD Containing Photos of PO Chittum Equipment

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

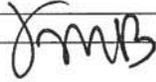
Name

Billeb, Chad D (Marathon County Sheriff's Office / Marathon
County Sheriff's Department)

Owner/For Owner

Address

City/State
Telephone



Released By

Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Wisconsin Department of Justice DCI

Property Release/Disposal Receipt

Page 1 of 1

Offense Number: 17-1342/6

Case Agent: Reimer, Michael T

Item	Quantity	Description
1	1.00	One (1) thumb drive containing negotiator audio recording from MCSO

State authority to release or manner of disposition:

Released to Other LE Agency

I hereby certify that I have received the above listed property

Signature



Date Received

5/24/2017

Name

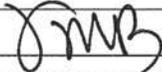
Billeb, Chad D (Marathon County Sheriff's Office / Marathon County Sheriff's Department)

Owner/For Owner

Address

City/State

Telephone



Released By

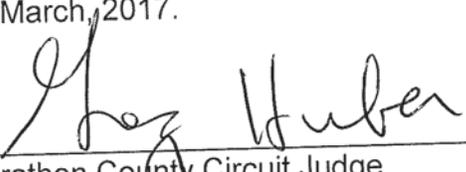
Berger, Teresa M. (DCI Wausau Field Office / Wisconsin Department of Justice DCI)

Verified By

Which things may constitute evidence of a crime, to wit: False Imprisonment and Taking Hostages, contrary to Section 940.30 and 940.305(1) of the Wisconsin Statutes.

NOW, THEREFORE, in the name of the State of Wisconsin you are commanded forthwith to search the said vehicle and electronic devices for said things, and if the same or any portion thereof are found, to bring the same and the person in whose possession the same are found, and return this warrant within five (5) days before the said court to be dealt with according to law.

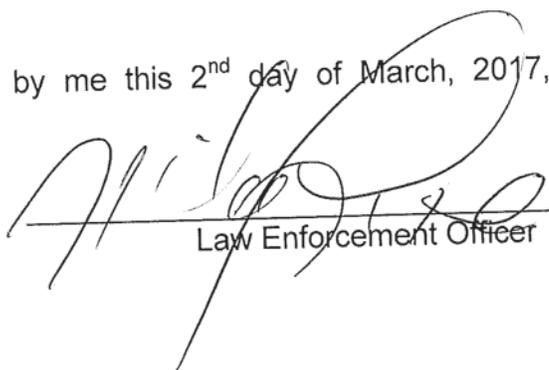
Dated this 2nd day of March, 2017.



Marathon County Circuit Judge
Honorable Greg Huber

ENDORSEMENT ON WARRANT

Received by me this 2nd day of March, 2017, at 8:25 AM o'clock
A..M.



Law Enforcement Officer

The facts tending to establish the grounds for issuing a search warrant are as follows:

On March 2, 2017 Deputy Megan Sowinski of the Marathon County Sheriff's Office was on patrol in the Township of Rib Mountain, Marathon County, Wisconsin. At approximately 1:00 a.m. Deputy Sowinski located a vehicle parked on Morning Glory Lane facing to the east. Deputy Sowinski observed that there were two individuals near the vehicle. The vehicle was a 2015 Dodge Ram 2500 pickup truck, silver in color, with Wisconsin license plate number JQ4966.

Deputy Sowinski made contact with the individual who was outside the vehicle. At that time Deputy Sowinski observed the male had a firearm and was pointing it at the second individual. Deputy Sowinski requested additional officers as it appeared a hostage situation was occurring. Additional officers arrived on scene to establish a perimeter. The Crisis Negotiation Team (CNT) was also contacted and responded to the scene.

While speaking with the CNT the male with the firearm indicated that he did not believe that officers on scene were actually law enforcement and requested to speak with certain officers from the Wausau Police Department as he knew they were actually law enforcement. The male requested to speak with three officers, the first was not working, the second is no longer with the Wausau Police Department, and finally the third was on duty and responded to the scene.

During the whole incident, the male was both inside and outside of the vehicle. The male was observed to have two firearms, one being a hand gun and the other being a long gun. At one point the male pointed the hand gun directly at Deputy Sowinski. During the entire incident, Deputy Sowinski observed the male waving the guns around and brandishing them at officers on scene. Deputy Sowinski heard the male state during the incident that if anyone gets closer to the vehicle, he will shot.

Deputy Sowinski stated that the second individual in the vehicle stated that the male with the guns told him that if he left the vehicle he would be shot.

At approximately 2:30 a.m. the Marathon County SWAT team was contacted and responded to the staging area. The SWAT team consists of both entry and long range shooters along with tactical EMTs. Deputy Brandon Stroik was already on duty with the Marathon County Sheriff's Office and responded directly to the scene. Deputy Stroik is trained as a long range shooter and positioned himself to the north of the subject's vehicle.

Deputy Stroik told Captain Sean McCarthy at the scene that believed that his life, the life of other officers, and the life of the hostage were in danger due to

the irrational behavior of the subject. At this time Deputy Stroik utilized his rifle and shot the subject to eliminate the threat. Immediately upon learning that shots were fired, the SWAT team converged on the vehicle and the tactical EMTs began to assess the subject and attempt to provide life-saving efforts. Due to the gun-shot wound, the EMTs were not able to revive the subject and he was pronounced dead at the scene.

Examination of electronic devices, such as that which is the subject of this warrant, often require application of complex computer programs and/or other means of forensic examination and therefore the examinations often cannot be completed within the five (5) day time limit before which warrants must typically be returned.

Based on his training and experience, your complainant knows that searching seized information from electronic devices may require a qualified specialist in a laboratory or other controlled environment to search all electronic storage devices. Images or backups of data may need to be made so as not to corrupt or change the data or media. Additionally, evidence may be encrypted, password protected, or may be in a format that could result in evidence being overwritten and/or destroyed electronically should an attempt be made to examine the electronic evidence. Such searches can be complex and time consuming. Based on my knowledge, training, and experience, I know that electronic devices may be important to a criminal investigation in three distinct and important respects.

1. The objects themselves may be instrumentalities used to commit the crime;
2. The objects may have been used to collect and store information about crimes (in the form of electronic data); and
3. The objects may be contraband or fruits of the crime.

Your complainant knows that for records stored in electronic format, examination may entail opening each file, visually inspecting its content, and determining whether the file contains any of the items sought by this warrant.

Your complainant knows that electronic devices can store the equivalent of thousands of pages of information. Additionally, a suspect may try to conceal criminal evidence; he might store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentalities of crime. This sorting process can take considerable time, depending on the volume of data stored, and it may be impractical to attempt this kind of data search on site. In addition, searching electronic devices for criminal evidence sometimes entails a highly technical process requiring considerable skill and specialized equipment.

Because the examination of electronic devices, such as that which is the subject of this warrant, is time consuming, the location, retrieval and inspection of relevant content cannot be done within a (5) five day period. Therefore, for purposes of the search warrant, we request the Court to consider the aforementioned items are "brought before the Court" upon the possession of the aforementioned item to be searched by the agency seeking to execute this search warrant. A return, indicating possession of said item will then be filed with the Court.

Law enforcement is investigating the motive of the male subject in this incident. Given the circumstances as described above, law enforcement's ability to collect reliable evidence in this investigation will be compromised by the disclosure of the Complaint for Search Warrant and Search Warrant at this time because it would render witnesses free to reveal their contacts with law enforcement to other potential suspects, facilitate improper influence on witnesses, and/or allow for destruction of physical evidence pending the completion of the investigation.

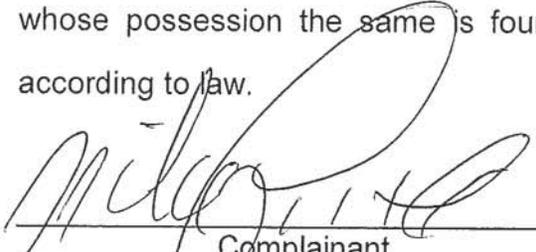
Based on this information, your Complainant makes this search warrant request to conduct a search of the 2015 Dodge ram 25000 with license plate of JQ4966 for any and all firearms; any and all trace evidence, including, but not limited to: blood; any and all biological evidence including, but not limited to: blood, hair, etc., any and all handwritten notes, documentation, communications, etc. indicating a reason or motive; any and all electronic devices capable of communication and storage of notes, documentation, communications, etc. indicating a reason or motive.

Your Complainant states that the information provided by the Department of Transportation identifying the owner of the vehicle is reliable in that is a record of regularly conducted business that is relied on routinely by law enforcement in the course of their duties.

Your Complainant finally states that this search warrant request is based on reliable information. Your Complainant has either personally performed the investigation, corroborated the information or relies on information from a reliable citizen informant or law enforcement officer. Your Complainant states that the information received from Marathon County Sheriff's Deputy Megan Sowinski, Captain Sean McCarthy, and Deputy Brandon Stroik is reliable because the law enforcement officers received this information or observed the incidents during the normal and ordinary course of their professional duties and your Complainant has reviewed their professional work in the past and found it accurate and reliable.

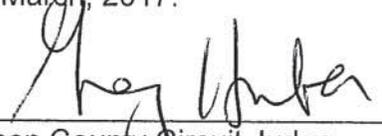
WHEREFORE, the said Marathon County Sheriff's Detective Michael Lechleitner, prays that a search warrant be issued to search such vehicle and any

and all electronic devices, and to bring the same, if found, and the person in whose possession the same is found, before the said court to be dealt with according to law.



Complainant

Subscribed and sworn to before me
this 2nd day of March, 2017.



Marathon County Circuit Judge
Honorable Greg Huber

3/2/17

IN THE CIRCUIT COURT IN AND FOR MARATHON COUNTY

STATE OF WISCONSIN)

) SS.

SEARCH WARRANT

COUNTY OF MARATHON)

THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:
Whereas the Court has reviewed a complaint containing the following information:

Marathon County Sheriff's Detective Michael Lechleitner, being duly sworn, says that on the 2nd day of March, 2017, located at the intersection of Morning Glory Lane and Swan Avenue, Township of Rib Mountain, Marathon County, there is now located a vehicle more particularly described, to wit:

a 2015 Dodge Ram 2500 Pickup truck vehicle, described as Silver in color, with Wisconsin license plate number JQ4966 and VIN 3C6UR5CL4FG576664, owned by [REDACTED] according to the records of the Department of Transportation.

there are now located and concealed certain things, to-wit:

any and all biological material;

any and all firearms and ammunition;

documents relating to the mental condition of the subject;

any and all electronic devices, including but not limited to cell phones, tablets, computers, etc.;

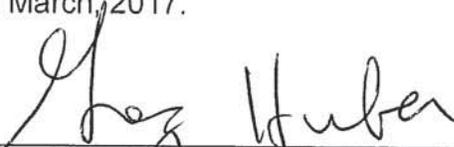
notes, memos, or other writings indicating the intentions, mental state, motive, or otherwise of the subject;

Any and all medications or controlled substance, whether prescription or otherwise;

Which things may constitute evidence of a crime, to wit: False Imprisonment and Taking Hostages, contrary to Section 940.30 and 940.305(1) of the Wisconsin Statutes.

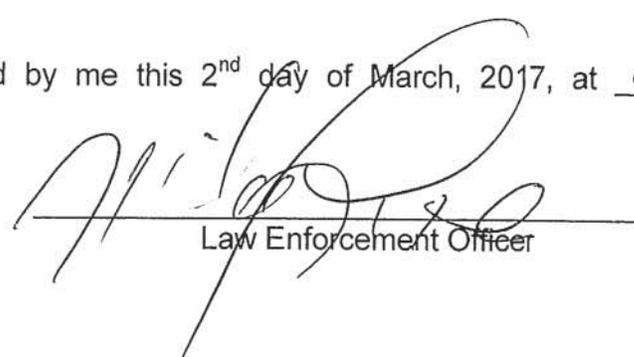
NOW, THEREFORE, in the name of the State of Wisconsin you are commanded forthwith to search the said vehicle and electronic devices for said things, and if the same or any portion thereof are found, to bring the same and the person in whose possession the same are found, and return this warrant within five (5) days before the said court to be dealt with according to law.

Dated this 2nd day of March, 2017.



Marathon County Circuit Judge
Honorable Greg Huber

ENDORSEMENT ON WARRANT

Received by me this 2nd day of March, 2017, at 8:25 AM o'clock
A.M.


Law Enforcement Officer

COPY

In the Matter of the March 2, 2017 Search Warrant of:

2015 Dodge Ram 2500 Pickup truck vehicle, described as Silver in color, with Wisconsin license plate number JQ4966 and VIN 3C6UR5CL4FG576664, owned by [REDACTED] according to the records of the Department of Transportation

**MOTION AND MEMORANDUM IN SUPPORT OF
MOTION TO SEAL COMPLAINT FOR SEARCH WARRANT & SEARCH WARRANT**

The State of Wisconsin, by Marathon County District Attorney Theresa Wetzsteon, hereby moves the Court for an order sealing the Complaint for Search Warrant and Search Warrant, both dated March 2, 2017, which authorizes the search of the premises described as a 2015 Dodge Ram 2500 Pickup truck vehicle, described as Silver in color, with Wisconsin license plate number JQ4966 and VIN 3C6UR5CL4FG576664, owned by [REDACTED] according to the records of the Department of Transportation, in the City of Wausau, Marathon County, Wisconsin. This motion is made pursuant to Wis. Stat. §(978.05(1)).

Wisconsin statutory law does not expressly authorize courts to seal search warrants pending the completion of an investigation. However, in *State v. Cummings*, 199 Wis.2d 721,546 N.W.2d 406 (1996) the Wisconsin Supreme Court recognized the authority of judges to seal search warrants pending the completion of a John Doe investigation.

In that case, the court identified several reasons justifying sealing of the John Doe proceeding, including:

“(1) keeping knowledge from an unarrested defendant which could encourage escape; (2) preventing the defendant from collecting perjured testimony for the trial; (3) preventing those interested in thwarting the

inquiry from tampering with prosecutive testimony or secreting evidence; (4) rendering witnesses more free in their disclosures; and (5) preventing testimony which may be mistaken or untrue or irrelevant from becoming public.”

Id. at 736. The court noted that these same factors also justify sealing a search warrant issued during the course of a John Doe investigation. While *Cummings* involved a John Doe investigation, the same principles apply with equal force to search warrants not issued as part of the John Doe process. Indeed, the *Cummings*’ decision relies upon cases from other jurisdictions that involved search warrants without accompanying John Doe proceedings.

Disclosure of the Complaint for Search Warrant and Search Warrant will compromise the State’s ability to collect reliable evidence in this investigation. Disclosure would: render witnesses free to reveal their contacts with law enforcement to other potential suspects, facilitate improper influence on witnesses, and/or allow for destruction of physical evidence pending the completion of this investigation. Disclosure of the State’s efforts with regard to this investigation would then unreasonably compromise the State’s ability to obtain reliable evidence. Furthermore, given the nature of the charges under investigation, untimely release of the information at issue could unfairly compromise the reputation of the involved individuals.

A court’s authority to seal search warrants is not without limits. The *Cummings*’ court recognized the need for courts to balance the need for sealing to protect an on-going investigation through secrecy with the public’s right of access to search warrants and supporting materials.

[W]e hold that before a judge decides to seal a search warrant, he must balance the State’s reasons for desiring secrecy against the public’s right of access. Due to the fact-specific nature of such an inquiry, this balancing is

appropriately committed to the sound discretion of the circuit court. The court, though, must make specific enough findings of fact on the record to allow for appellate review.

Cummings, 199 Wis.2d at 741-2 (citations omitted).

The State requests the court to find for the reasons stated in the Complaint for Search Warrant that sealing serves legitimate investigatory functions and will protect the integrity of this investigation.

CONCLUSION

The State respectfully requests the court to grant its motion sealing the Complaint for Search Warrant and Search Warrant, as well as this motion and memorandum in support of sealing.

Dated this 2 day of March, 2017.

RESPECTFULLY SUBMITTED:



Theresa Wetzsteon
District Attorney
State Bar No. 1031907

In the Matter of the [REDACTED] Search Warrant at:

[REDACTED]

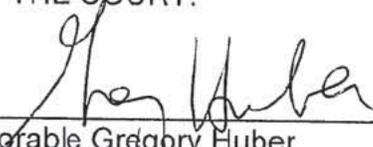
ORDER TO SEAL COMPLAINT FOR SEARCH WARRANT AND SEARCH WARRANT

Based on the Court's review of the Complaint for Search Warrant and Search Warrant in the above matter, as well as the motion and memorandum for sealing the Complaint for Search Warrant and Search Warrant, the Court finds that it is not against the public's interest to seal the Complaint for Search Warrant, Search Warrant and Motion to Seal Order issued in the above matter and therefore;

IT IS HEREBY ORDERED, that the Complaint for Search Warrant and Search Warrant granted in , along with the Motion to Seal is hereby sealed until further order of this court.

Dated this 2nd day of March, 2017.

BY THE COURT:



Honorable Gregory Huber
Circuit Court Judge, Branch II
Marathon County, Wisconsin

RETURN OF OFFICER

I hereby certify that by virtue of the within warrant I searched the within named premises and found the following things:

SEE ATTACHED

and have the same now in my possession subject to the direction of the court.

Dated this 2nd day of MARCH, 2017 at 3:01 o'clock P.M.

M. Keimer

Law Enforcement Officer

2017 MAR -2 PM 3:01
PARAHOR COUNTY
DISTRICT ATTORNEY

Items Seized

Passenger side visor from vehicle

Cellular telephone

Live rifle round

In the Matter of the March 2, 2017 Search Warrant of:

2015 Dodge Ram 2500 Pickup truck vehicle, described as Silver in color, with Wisconsin license plate number JQ4966 and VIN 3C6UR5CL4FG576664, owned by [REDACTED] according to the records of the Department of Transportation

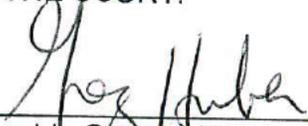
AMENDED ORDER TO SEAL COMPLAINT FOR SEARCH WARRANT AND SEARCH WARRANT

Based on the Court's review of the Complaint for Search Warrant and Search Warrant in the above matter, as well as the motion and memorandum for sealing the Complaint for Search Warrant and Search Warrant, the Court finds that it is not against the public's interest to seal the Complaint for Search Warrant, Search Warrant and Motion to Seal Order issued in the above matter and therefore;

IT IS HEREBY ORDERED, that the Complaint for Search Warrant and Search Warrant granted in , along with the Motion to Seal is hereby sealed until further order of this court.

Dated this 6th day of March, 2017.

BY THE COURT:



Honorable Gregory Huber
Circuit Court Judge, Branch II
Marathon County, Wisconsin

ACISS Case Master Report 17-1342

Date Initiated 03/02/2017

Warning

Contains entities exempt from disclosure

Primary Information

Agency: **WI Department of Justice**
Division: **Div. of Criminal Investigation (DCI)**
Sensitive Cases: **Div. of Criminal Investigation (DCI)**
Bureau: **DCI Field Operations Bureau**
Section: **DCI Wausau Field Office**
Office: **Wausau Special Assignments DCI**
Lead LEO: **Reimer, Michael T (Wausau Special Assignments DCI / Wisconsin Department of Justice DCI)**
Type Of Case: **Violent Crimes**
Case Sub Type: **VC-Officer Involved Death**
Case Description: **Marathon County OID - Hall**

Case Status

Case Status: **Open**
Case Status Date: **03/02/2017**
Dissemination: **Chain of Command**