

*Wisconsin Department of Justice DCI*  
**ACISS Examination of Records 15-1188/156**

Report Date: 05/21/2015

<b>Primary Information</b>	
Description:	<b>WSCL Evidence Release</b>
Occurrence From:	<b>05/18/2015 00:00</b>
Occurrence To:	<b>05/18/2015 00:00</b>
Reporting LEO:	<b>De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)</b>
Approval Status:	<b>Approved</b>
Approved Date:	<b>05/27/2015</b>
Approved By:	<b>Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)</b>

<b>Record Status Information</b>	
Record Origination Operator:	<b>De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)</b>
Record Origination Date:	<b>05/21/2015 14:30</b>
Last Update Operator:	<b>Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)</b>
Last Update Date:	<b>05/27/2015 16:15</b>

<b>Reporting LEO</b>	<b>Date</b>	<b>Supervisor</b>	<b>Date</b>
<b>De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)</b>		<b>Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)</b>	<b>6/1/2015</b>

**Narrative begins on the following page.**

**Wisconsin Division of Criminal Investigation Case Report**  
**Case/Report Number: 15-1188/156**

On Thursday, May 14, 2015, a package of evidence was received from the Milwaukee Crime Lab at DCI Headquarters. The evidence was from DCI case number: 15-1188 and Wisconsin State Crime Laboratory (WSCL) case number: M15-720. DCI Support Staff Linda Schenk secured the package in DCI SA Rafael De La Rosa's locked office.

On Monday, May 18, 2015, SA De La Rosa opened the sealed package and took custody of the following items:

1. C One sealed manila envelope containing fired cartridge case(s) (Agency Item #1).
2. D One sealed manila envelope containing fired cartridge case(s) (Agency Item #2).
3. E One sealed manila envelope containing fired cartridge case(s) (Agency Item #3).
4. F One sealed manila envelope containing fired cartridge case(s) (Agency Item #5).
5. G One sealed manila envelope containing fired cartridge case(s) (Agency Item #6).
6. H One sealed manila envelope containing fired cartridge case(s) (Agency Item #7).
7. I One sealed manila envelope containing fired cartridge case(s) (Agency Item #8).
8. J One sealed pillbox containing fired bullet(s) (Agency Item #9).
9. K One sealed pillbox containing fired bullet(s) (Agency Item #10).
10. M One sealed pillbox containing fired bullet(s) (Agency Item #12).
11. N One sealed cardboard box containing handgun (Agency Item # 15-1188/2.7).
12. P One sealed manila envelope containing fired bullet fragment(s) reportedly recovered from autopsy of Tony Robinson (Agency Item # 15-1188/38.18).
13. Q One sealed manila envelope containing fired bullet(s) reportedly recovered from autopsy of Tony Robinson (Agency Item # 15-1188/38.19).
14. R One sealed manila envelope containing fired bullet(s) reportedly recovered from autopsy of Tony Robinson (Agency Item # 15-1188/38.20).
15. S One sealed manila envelope containing fired bullet(s) reportedly recovered from autopsy of Tony Robinson (Agency Item # 15-1188/38.21).

On May 18, 2015, SA De La Rosa transferred custody of all the above listed items to DCI Records / Evidence Custodian Donna Showers.

The original WSCL Evidence Release- Return form was attached to this report and made part of this case file.

Wisconsin Department of Justice DCI

**ACISS Interview 15-1188/157**

Report Date: 05/21/2015

Primary Information	
Description:	Interview of C [REDACTED] H [REDACTED] on 05/18/2015
Occurrence From:	05/18/2015 00:00
Occurrence To:	05/18/2015 00:00
Reporting LEO:	De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)
Approval Status:	Approved
Approved Date:	05/27/2015
Approved By:	Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)

Related Addresses	
Address	Relationship
[REDACTED], Madison, Wisconsin 53704, United States of America	Other

Related Subjects					
Name	Type	Sex	Race	DOB	Relationship
H [REDACTED], C [REDACTED]	Person	Male	Unknown	[REDACTED]	Interviewed

Related Telephones	
Telephone Number	Relationship
(608) [REDACTED]	Number Called

Record Status Information	
Record Origination Operator:	De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)
Record Origination Date:	05/21/2015 14:31
Last Update Operator:	Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)
Last Update Date:	05/27/2015 16:17

Reporting LEO	Date	Supervisor	Date
De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)	6/1/2015

Narrative begins on the following page.

**Wisconsin Division of Criminal Investigation Case Report**  
**Case/Report Number: 15-1188/157**

On Monday, May 18, 2015, DCI SA Rafael De La Rosa received a message from DCT's front desk receptionist that there was a subject by the name of [REDACTED] ([REDACTED]) H [REDACTED] (608-[REDACTED]) that was asking for a return call reference information that he had to pass on about the Tony Robinson case.

At approximately 2:03 p.m., SA De La Rosa called Mr. H [REDACTED] and was able to make contact with him. H [REDACTED] stated that the week before last, he was at [REDACTED] on [REDACTED] [REDACTED] in Madison WI. H [REDACTED] spoke to a M/W in his mid 30's who was at the front desk of the business. H [REDACTED] stated the unknown male (UM) had a slight southern accent and was shorter than 6 foot tall. The UM told H [REDACTED] that the UM was Tony Robinson's uncle because he was Tony Robinson's father's step brother. The UM told H [REDACTED] that the UM grew up in Georgia with Tony Robinson's father. The UM advised H [REDACTED] that the UM didn't know what the UM was going to do about the death of Tony Robinson.

H [REDACTED] wanted to pass along the information because he believed that the UM looked as if he didn't have much to lose and appeared to have a short temper. H [REDACTED] stated that this incident occurred approximately one week before the District Attorney's decision on the case.

Wisconsin Department of Justice DCI

**ACISS Interview 15-1188/158**

Report Date: 05/21/2015

Primary Information	
Description:	Interview of G [REDACTED] K [REDACTED] on 05/21/2015
Occurrence From:	05/21/2015 00:00
Occurrence To:	05/21/2015 00:00
Reporting LEO:	De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)
Backup LEO:	Pertzborn, James L (Madison Narcotics DCI / Wisconsin Department of Justice DCI)
Approval Status:	Approved
Approved Date:	05/27/2015
Approved By:	Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)

Related Addresses	
<u>Address</u>	<u>Relationship</u>
1130 Williamson St Spirit gas station, Madison, Wisconsin 53703 , United States of America	Location of Event

Related Subjects					
Name	Type	Sex	Race	DOB	Relationship
K [REDACTED], G [REDACTED]	Person	Male	White	[REDACTED]	Interviewed
T [REDACTED], C [REDACTED]	Person	Female	White	[REDACTED]	Mentioned

Related Telephones	
<u>Telephone Number</u>	<u>Relationship</u>
[REDACTED]	Number Called

Property		
Status	Quantity	Description
Inventory	1	15-1188/158 - Disc containing the recording of the interview of G [REDACTED] K [REDACTED] on 05/21/2015

Record Status Information	
Record Origination Operator:	De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)
Record Origination Date:	05/21/2015 14:32
Last Update Operator:	Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)
Last Update Date:	05/27/2015 16:40

Reporting LEO	Date	Supervisor	Date
De La Rosa, Rafael (Madison Special Assignments DCI / Wisconsin Department of Justice DCI)		Engels, James D (DCI Administrative Services / Wisconsin Department of Justice DCI)	6/1/2015

Narrative begins on the following page.

**Wisconsin Division of Criminal Investigation Case Report**  
**Case/Report Number: 15-1188/158**

On Wednesday, May 13, 2015, Dane County District Attorney Ismael Ozanne received a voice mail from State Representative C [REDACTED] T [REDACTED]. In the message left by Representative T [REDACTED], she stated that there was a witness that was never interviewed in the Tony Robinson case.

On Friday, May 15, 2015, DA Ozanne advised DCI SA Rafael De La Rosa of the voice mail.

On Monday, May 18, 2015, SA De La Rosa met with Dane County District Attorney's Office Investigator Randy Burmeister. Investigator Burmeister provided SA De La Rosa with a copy of the audio recording of the voice mail.

On May 18, 2015, SA De La Rosa made phone contact with Representative T [REDACTED]. Representative T [REDACTED] advised SA De La Rosa that the witness that she believed had not been interviewed was G [REDACTED] K [REDACTED] ([REDACTED]).

On May 18, 2015, SA De La Rosa made phone contact with G [REDACTED] K [REDACTED]. An interview was set up for Thursday, May 21, 2015. SA De La Rosa discovered that G [REDACTED] K [REDACTED] was interviewed by Madison Police Officer Michael Ott. The report authored by Officer Ott was attached to DCI report (15-1188/100). Officer Ott interviewed K [REDACTED] on the night of the incident (March 06, 2015). DCI SA Lourdes Fernandez documented in DCI report 15-1188/100 that she attempted to contact K [REDACTED] and left him a voice mail on March 07, 2015.

On Thursday, May 21, 2015, DCI SA 's De La Rosa and James Pertzborn met with G [REDACTED] K [REDACTED] at the Wisconsin Department of Justice Office, downtown Madison, WI. SA's De La Rosa and Pertzborn interviewed K [REDACTED] from approximately 11:42 a.m. to approximately 11:55 a.m.

SA's De La Rosa and Pertzborn identified themselves to K [REDACTED] and advised K [REDACTED] that he did not have to talk to them and could leave at any time. SA De La Rosa advised K [REDACTED] that SA De La Rosa knew that K [REDACTED] had been interviewed by Madison PD the night of the incident. SA De La Rosa showed K [REDACTED] a Madison Police report that was authored by MPD Officer Ott. SA De La Rosa asked K [REDACTED] to read the second paragraph of the report because that was the documentation of his interview. Once K [REDACTED] was done reading the paragraph, SA De La Rosa asked K [REDACTED] if there was anything else that K [REDACTED] witnessed that he did not tell MPD Officer Ott the night of the incident. K [REDACTED] stated that he would like to add that the two officers that arrived on scene, arrived approximately thirty seconds apart from each other.

K [REDACTED] also added that while he was pumping gasoline into his vehicle, he was facing Williamson Street. After the first police car arrived, K [REDACTED] heard muffled yelling for a few seconds, then heard rapid gunshots. K [REDACTED] got behind his vehicle and was looking through his window. An unknown tall, M/W (UM) exited the gas station with a twelve pack of Pabst Blue Ribbon beer. K [REDACTED] advised the UM to get behind K [REDACTED]'s vehicle and told the UM what had occurred. K [REDACTED] stated that Representative T [REDACTED] pulled into the parking lot and K [REDACTED] advised her to stay in her

**Wisconsin Division of Criminal Investigation Case Report**  
**Case/Report Number: 15-1188/158**

vehicle. K [REDACTED] saw and heard an African American male, (possibly wearing a white shirt) yelling at the police.

The interview was audio recorded. The recording was downloaded and later processed into evidence and assigned property number 15-1188/158.1. A copy of the recording was placed in the main case file. A copy of Officer Ott's report was attached to this report.

**M. OTT - CONTACT AT SCENE/PERIMETER**

15-1188/4

**MADISON POLICE DEPARTMENT**

Case No: 2015-71913 Supplement

Report Completed: 03/07/2015

Ref. No:

Case Offense: OFFICER INVOLVED SHOOTING

Reporting Officer: PO MICHAEL OTT 3110

Special Routing:

**OFFICER NARRATIVE**

On March 6, 2015, I responded to a report of an officer involved shooting at 1125 Williamson Street in the city of Madison. Upon arrival, I walked into the scene from the intersection of Ingersoll and Williamson Street. I contacted several people who were walking in the area and none of them said that they had any information to provide and were only there because they saw officers and fire trucks or were going to the Broom Street Theatre which is in the same block as the incident. I, along with Officer Justin Nelsen and Officer Andrew Naylor, tried to identify witnesses in a row of people that were standing on the sidewalk in front of the Spirit gas station which is directly across the street from the scene.

C [REDACTED] was the first person that I contacted who said that he had any information about the incident. He said that he was pulled up at a gas pump pulling gas in his car and as he was doing that, he heard sirens. He looked up and saw two officers running toward the house directly across the street from the gas station. He said within a very short amount of time, probably less than two minutes, he heard what he thought was 4-5 gunshots. He said that he then heard citizens yelling at the officers. He did not get a look at them but knew they were yelling something angrily towards the police. He did not hear any other distinct phrases or words that were used. His assessment of the situation was that the officers took this very seriously and said that they were moving very fast. He did not have any information beyond that.

The second person that I spoke to was State Assembly person C [REDACTED] T [REDACTED] who was also pumping gas at the gas station. She said that she didn't see anything and was in her car when the police pulled up. She said that when she got out of the car, C [REDACTED] told her that she should probably go back in the car because there was gunfire across the street. She said that she didn't see anything else or even hear the shots.

I maintained a perimeter position along the north side of the crime scene. Also during that time, I assisted Officer Sarah Boespflug. Officer Boespflug was doing a canvas of residences along Williamson Street on the north side of the street. I did speak to a homecare nurse named K [REDACTED] L [REDACTED] who said that she did not get to the residence until after the police were there and had no information to provide. She said that the person that she provides homecare for did not see or hear anything.

Another assignment that I had at the scene was relieving Officers Gonwa and Brown, who were maintaining perimeter security on the south side of the scene in the back parking lot behind the residence. I did not cross the crime scene tape at that time and did not go into the scene. Officer Retlick and I relieved Officer Gonwa and Brown at 10:08 p.m. and maintained that position until they returned at 10:48 p.m. I then returned to my perimeter post along the north side of Williamson Street until I was relieved from the scene by Sergeant Shimko.

NFA/nlc  
PO MICHAEL OTT 3110