



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2022-1726
Officer Involved Critical Incident – 15266 Gilchrist Rd., Mt. Vernon (L)

Investigative Activity: Interview with Officer
Involves: Lt. WPD [REDACTED] (S)
Date of Activity: 09/08/2022
Activity Location: FOP Copper Lodge Hall – 6800 Schrock Hill Court, Columbus, OH 43229, Franklin County
Author: SA John P. Tingley, #154

Narrative:

On Thursday, September 8, 2022, at approximately 1230 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley) and SA Andy Russell (Russell) interviewed Westerville Police Department (WPD) Lieutenant (Lt.) [REDACTED] ([REDACTED]), who was accompanied by Lathen Lipperman, attorney from the Fraternal Order of Police (FOP) Ohio Labor Council (OLC). The interview took place at the FOP Copper Lodge Hall, which is located at 6800 Schrock Hill Court, Columbus, Ohio. The interview was audio recorded.

Lt. [REDACTED] was presented with the BCI Criminal Investigation Notification form; which he read, understood and signed.

This report only summarizes the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the interview. Further, this report was placed in a chronology to aid the reader’s overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions nor is it a word-for-word translation of either the questions or answers. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

Preliminary and Demographic Information:

Name: [REDACTED]	Rank: Lieutenant
Badge Number: [REDACTED]	Cruiser/Vehicle Number: N/A

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Radio Call Sign: N/A	Immediate Supervisor: Sgt. Diaz
Radio Channel Utilized: SO21	Mobile Data Terminal: N/A
Cruiser Description: Bearcat – Armored	Occupants of Cruiser and Seating Positions: N/A
Assignment: Patrol & SWAT	Normal Shift: 2200 – 0600
In-Car Camera: N/A	Spotlight: N/A
Emergency Lights: N/A	Siren: N/A
Shift Day of Incident: 2200 – 0600	Duty Status: SWAT
Days Off: Friday & Saturday	Prior Overtime or Extra Details within Preceding 48 Hours: No
Hours of Sleep Prior to Incident: Unsure	Consider Self Well Rested?: Yes
Total Length as Officer: 24	Length at Current Agency: 21
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No
Uniform Worn: Tactical	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Rifle magazines, Radio
Ballistic Vest: Outer Carrier/Tactical	Body Worn Camera: Yes
Other Recording Devices: No	Partner: Tactical Team
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: SWAT	OPOTC Certification: Yes
Military Experience/Training: Yes	Use-of-Force Training: Yes

Prior Shooting Incidents: No	Prior Discipline or Use-of-Force Complaints: No
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: No	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: No

Officer's Firearm(s):

Weapon #1

Make: Sig Sauer	Model: M400
Caliber/Gauge: .223/5.56	Serial: [REDACTED]
Type: Semi Auto Rifle	Method of Carry: Sling
Magazine Capacity: 30/Loaded to 28	Total Rounds as Carried (including chamber): 28
Extra Magazines: 5	Number of Rounds in Extra Magazines: 140
Discharged During Incident? Yes	Primary or Backup Weapon: Primary
Rounds Remaining After Incident: 140	Number of Rounds Fired: 28
Right/Left-Handed Carry: Right	Ownership: DCSO
Last Qualification Date: 2022	Type of Holster, if any: N/A

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Lt. ██████ read a written statement that he had prepared prior to his interview. After Lt. ██████ read his statement, agents asked several additional questions related to the incident. A summary of that information from the written statement is detailed below.

Lt. ██████ stated that on Saturday, August 20, 2022, he received a Delaware Tactical Unit (DTU) call out for an incident in Knox County, Ohio. He was further instructed to proceed to the Knox County Sheriff's (KCSO) Office, located at 11540 Upper Gilchrist Road, Mt. Vernon, Ohio. Lt. ██████ met with KCSO Lt. Feeney, who advised Lt. ██████ that the DTU had been requested to execute a search warrant on Randy Wilhelm. He was also advised that the Wilhelm property was approximately 90 acres of land at 15266 Gilchrist Road, Mt. Vernon, Ohio.

Lt. ██████ advised that on Friday, August 19, 2022, Randy Wilhelm shot at a bail bondsman's vehicle and that Randy Wilhelm and another subject had also fired multiple rounds at an Ohio State Highway Patrol (OSHP) helicopter. He stated that the decision was made that any tactical operations would not begin until daylight hours due to a variety of factors.

Lt. ██████ stated that before dawn, the DTU and other tactical teams from other jurisdictions met at a staging area located at 20718 Danville–Amity Road, Mt. Vernon, Ohio. This location was chosen due to its proximity to the Wilhelm property on 15266 Gilchrist Road, Mt. Vernon, Ohio. He was assigned to be a team leader in the DTU Bearcat, with his team being split and part of the team assigned to the DTU MRAP armored vehicle. Lt. ██████ was further advised that the two subjects, Randy and Bradley Wilhelm, had moved propane tanker trucks to block the driveways into the property.

Lt. ██████ advised that his DTU Bearcat team moved to a location approximately one half mile north of the Wilhelm's mother's house, located on the Gilchrist Road side of the property and stood by at that location. He was also made aware that Bradley Wilhelm's residence, a detached garage and two pole barns connected to the propane business were also on the property, with Randy Wilhelm's residence located on Monroe Mills Road, Mt. Vernon, Ohio.

Lt. ██████ continued by stating that a drone had been deployed, and he and his team were able to periodically monitor the live feed from that drone and monitor the activities on the property. He further advised that incident command had notified him that during the early morning hours, Bradley Wilhelm's girlfriend was contacted by phone and was convinced to leave Bradley Wilhelm's residence on Gilchrist Road. The girlfriend left the residence and eventually went south on Gilchrist Road, where she was contacted and detained by the OSHP tactical team.

At some point, while monitoring the drone footage, Lt. ██████ was able to see

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Randy Wilhelm wearing a camouflage jacket and carrying a scoped rifle. Later on, Lt. [REDACTED] believed he also saw Randy Wilhelm carrying an AR-style rifle. He also observed Bradley Wilhelm wearing a dark long-sleeved shirt.

Lt. [REDACTED] advised that at approximately 0830 hours, Randy and Bradley Wilhelm left their mother's house on Gilchrist Road and drove toward Randy Wilhelm's residence on Monroe Mills Road. The orders were then received for the DTU Bearcat to go to the mother's residence and prevent the Wilhelm brothers from returning there, as well as to check on the wellbeing of the mother.

Lt. [REDACTED] stated that at approximately 0850 hours, the Bearcat drove to the Gilchrist Road property and drove through the locked gate at the fence, blocking the driveway, and drove to and parked to the east of the residence, near the garage. He was positioned on the rear driver's side of the Bearcat and watched as the DTU MRAP team, which had also entered the Gilchrist property, took up positions near the residence. A few minutes after arriving, Lt. [REDACTED] advised that he heard multiple gunshots from the east. Shortly thereafter, he heard the MRAP being redeployed to the Monroe Mills Road address, as the DTU BATT armored vehicle had taken fire, was damaged and needed to be replaced by the DTU MRAP. As the MRAP prepared to depart, Lt. [REDACTED] requested that two DTU members from that vehicle remain and secure the detached garage. The two DTU team members left the MRAP and took up positions near the detached garage. The MRAP then left the area.

Shortly after the MRAP left, radio traffic was heard advising that Randy and Bradley Wilhelm were armed and had left the Monroe Mills Road residence in an ATV/quad and were heading back toward the Gilchrist Road residence. Lt. [REDACTED] had remained at the driver's side rear of the Bearcat, with DTU Officer [REDACTED] kneeling in front of him, with both of them covering the tree line to the south of the residence.

Lt. [REDACTED] advised that he then saw the suspects (Wilhelm brothers) drive toward the DTU Bearcat team at a high rate of speed in the ATV/quad, coming through the tree line on a trail. He observed the passenger in the ATV/quad wearing a camouflage jacket and the driver wearing a dark shirt or jacket.

Lt. [REDACTED] stated, "They broke through the tree line heading directly for the Bearcat. I began firing as the ATV continued to move towards us. I was aware at this point that Officer [REDACTED] was also firing. I saw the buttstock of a long gun and the passenger made a lifting motion with his right arm that looked like an attempt to raise the rifle."

Lt. [REDACTED] advised that he fired approximately 10 to 12 times before the ATV turned toward the detached garage, where DTU members, Officer [REDACTED] and Officer [REDACTED] were located. When he still saw movement in the ATV/quad, he continued to fire as the vehicle crept to a stop. Lt. [REDACTED] saw the two ATV/quad occupants' heads slump; at which point, he was out of ammunition. He stepped back and reloaded but did not

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re-engage, as the two suspects were no longer moving.

The MRAP returned and it and the OSHP Bearcat proceeded to the location of the ATV/quad. Lt. ██████'s DTU Bearcat team then disengaged and stood down; Lt. ██████ left the area and returned to the command post/staging area.

Lt. ██████ stated, "When I fired, I did not believe that I had any other reasonable alternative other than to fire to protect myself and my fellow officers, who were in imminent danger of being killed or severely wounded, based upon the totality of the actions of the suspect and his brother..."

SA Tingley then gave Lt. ██████ a Google map photo of the property around the 15266 Gilchrist Road residence and asked him to mark his position and the position of the ATV. Lt. ██████ took a pen and marked the photo, as requested and then signed the document.

SA Tingley asked Lt. ██████ what the actions of the occupants of the ATV/quad were prior to Lt. ██████'s use of force. Lt. ██████ stated that the ATV/quad was facing the DTU Bearcat and was accelerating toward the Bearcat.

SA Tingley then asked if Lt. ██████ believed his actions were consistent with his training and experience; Lt. ██████ replied, yes.

SA Russell asked if Lt. ██████ fired at the ATV/quad because it was coming at him or was there something else. Lt. ██████ stated that it was based on the previous actions of the occupants of the ATV/quad; who had recently fired at law enforcement, and also because of the close proximity of the ATV/quad to the parked propane tanker truck in the driveway, that Lt. ██████ was worried might be used as a bomb.

SA Russell then asked Lt. ██████ if it was when he saw the buttstock of the long gun and the ATV/quad passenger making the lifting motion, as if getting ready to point the rifle that he began firing; Lt. ██████ stated that he began engaging as the ATV/quad was getting closer. He added that just prior to that, he saw movement from the passenger of the ATV/quad but did not see a rifle. Lt. ██████ continued by advising that after he brought his rifle and began to engage, he could see the passenger bring his arm up and could see the passenger's rifle at that point.

The interview was then concluded at approximately 1308 hours.

This interview was audio recorded. The audio recording, written statement, signed BCI Criminal Notification form and signed photo/diagram are all attached to this case file.

Attachments:

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Attachment # 01: 2022-1726 [REDACTED] STATEMENT 1 - INVOLVED
Attachment # 02: 2022-1726 [REDACTED] STATEMENT 2 - INVOLVED
Attachment # 03: 2022-1726 WPD LT. [REDACTED] BCI CRIMINAL NOTIFICATION FORM
Attachment # 04: 2022-1726 WPD LT. [REDACTED] DIAGRAM
Attachment # 05: 2022-1726 WPD LT. [REDACTED] WRITTEN STATEMENT

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Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is not a "Garrity" interview (where you could be required to answer).


Printed Name of Interviewee

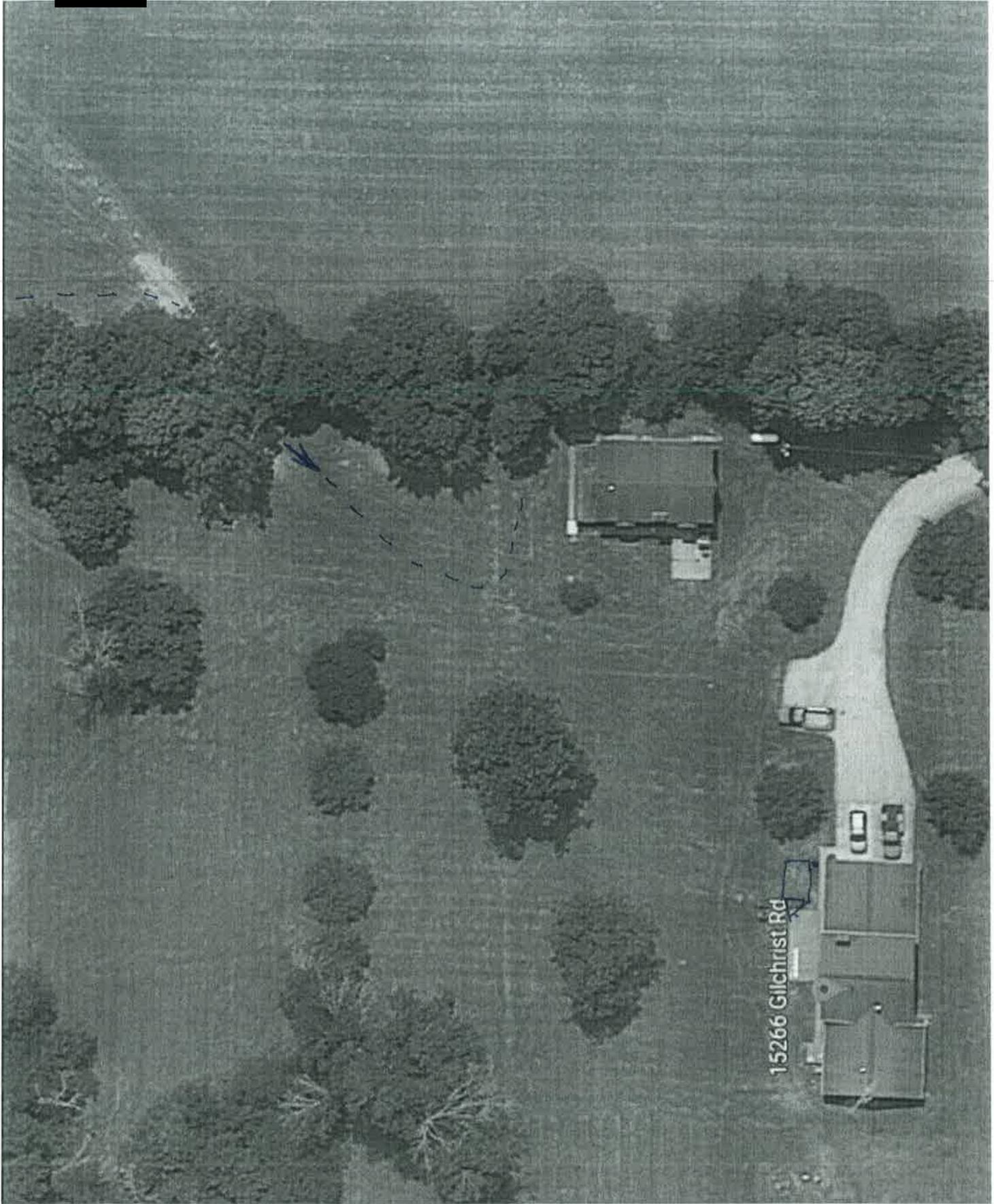
9/8/2022
Date / Time


Interviewee

SA John Tinney #154
BCI Agent (Printed)

SA [Signature] #154
BCI Agent (Signature)

9/8/2022



15266 Gilchrist Rd

STATEMENT OF LIEUTENANT [REDACTED], BADGE # [REDACTED]

This statement is regarding my involvement in an incident that occurred on Saturday, August 20, 2022, from approximately 1:00 a.m. to 9:30 a.m. I am making this statement as part of an investigation concerning this matter.

My date of hire as a police officer with the Westerville Division of Police is September 2, 2002. My regular assignment is 3rd shift patrol lieutenant. I have been a lieutenant since April of this year. My regular duty hours are 10:00 p.m. until 6:00 a.m. with Friday and Saturday off. I am also a member of the Delaware Tactical Unit (DTU), which has members from a variety of law enforcement agencies, including Westerville, Dublin, Genoa Township, Powell, Delaware, and the Delaware County Sheriff's Office (DCSO). I am a team leader on DTU and have been on the team for approximately twenty-four (24) years. I served active duty in the United States Army from June 1987 to June 1990 and the Ohio National Guard from 1990 to 1994.

At the time of the incident, I was dressed in black and dark gray DTU/SWAT gear ("full kit") including a black tactical vest with the word "POLICE" in large white letters on the front, back, and sides with a DTU patch on the right arm and a Westerville Police Department patch on the left. I also had on a black helmet with radio. The communications headset also provides ear protection in the case of loud noises over a certain decibel level, but I can hear what was going on around me. I was armed with a Division-issued Sig Sauer M400 AR Pro loaded with Federal Premium 223 55-Grain Bonded Tactical soft point ammunition. I was carrying six (6) mags loaded with 28 rounds each. The mags can take 30 rounds, but to avoid any potential issues loading, I only load 28. My rifle does not have an external scope but is equipped with an Aimpoint Red Dot sighting system. I was also armed with a Sig Sauer P320. I did not fire my pistol during this

incident. I was current on my range qualifications with both weapons and qualified last with my rifle in July or August of this year. I was not carrying any other backup weapons.

I was in good health at the time of this incident. I was not taking any medication that would in any way affect my ability to carry out my responsibilities and duties as a police officer. I had consumed no alcohol or drugs in the twenty-four (24) hours prior to this incident. I was not under any unusual stress. I do not wear contact lenses and only wear glasses for reading. I do not wear a hearing aid, nor do I have any problems with my hearing.

On Saturday, August 20, 2022, I was activated by DTU via text, phone call, and email from my home at approximately 1:00 a.m. I was asleep at the time and when I awoke, I saw that there had been previous texts sent by DTU Commander Sergeant Ramon Diaz (City of Delaware). He had notified DTU team members about a possible mission in Knox County after a bondsman's car was shot when driving by a suspect's property. Sergeant Diaz was trying to determine which DTU team members would be available.

After receiving the call out, I drove from my home in Sunbury, Ohio to the Knox County Sheriff's Office (KCSO) located at 11540 Upper Gilchrist Road, Mount Vernon, Ohio. I arrived around 2:00 a.m. I met with Lieutenant Finney, who runs the KCSO tactical unit to get updates that I could relay to the incoming DTU members. I was informed our unit had been requested to arrest Randy Wilhelm on his property. Mr. Wilhelm was already known to the DTU unit. The DTU unit had previously been asked by KCSO to assist with warrant service on Mr. Wilhelm, but the threat assessment was determined to be too high to engage him on his property. It is my understanding that Mr. Wilhelm owns approximately 90 acres of land and has several homes, outbuildings, and a propane business on his property located at or near 15266 Gilchrist Road, Mount Vernon, Ohio.

Late on Friday, August 19, it was reported that Mr. Wilhelm shot at a bail bondsman's vehicle (hitting it 3 times) on or near his property. I was also told that the Ohio State Highway Patrol (OSP) helicopter flew over the area, and two people began to fire at the helicopter from the property. Mr. Wilhelm was known to be an expert marksman and was thought to own several Class III Firearms. There were concerns about his possible stockpile of weapons at multiple locations on his property, as well as several large propane trucks on the property related to Mr. Wilhelm's propane tank business.

At the time, I was the most senior person from DTU at KCSO, so I spoke with the prosecutor, the Police Chief of Mount Vernon, and others about the background and the plan moving forward. I sought information about arrest warrants on the suspect and whether a search warrant had been acquired. Mr. Wilhelm had several warrants, which included domestic violence charges and intimidating a judge and the sheriff. While I was speaking to the prosecutor and others, I asked Sergeant Combs to start getting gear set up and find out how many DTU team members would be participating in the mission.

It was determined that our operation would not begin until closer to daylight due to the inherent danger. Mr. Wilhelm had many resources, potentially including large caliber, long-range rifles. There were also several trail cameras seen on the property with the possibility of night vision and thermals. Two men (thought to be Mr. Wilhelm and his brother, Brad) were seen actively patrolling the property, which was relayed from the OSP helicopter on live stream video.

Before dawn, the DTU unit along with other jurisdictions mustered at 20718 Danville Amity Road, which was down the road from the suspect's location, to establish a closer command post and a closer position for the deployment of drones. There were several armored vehicles in

addition to the BearCat to which I was assigned. I believe the Marysville BATT (ballistic armored tactical transport) and OSP's BearCat were also present.

My team was split between the DCSO BearCat (marked as DCSO on the sides) and the MaxxPro MRAP (mine resistant ambush protected), which is owned by the City of Delaware. I was in the DCSO BearCat with [REDACTED] (Dublin), [REDACTED] (DCSO), Shawn Combs (Genoa), Sean Franks (Delaware), Aaron Seigel (DCSO), as well as a driver, negotiator, and tactical officer from Knox County. The MRAP was run by Sergeant Derrick Keller (DCSO). I know that [REDACTED] (Westerville), [REDACTED] (DCSO), and Brett Simon (Delaware) were also assigned to the MRAP, but I am unsure of others.

The OSP helicopter was still up and eventually a drone (or perhaps multiple drones) were deployed. While we were at command center, I learned that two (2) men had been seen moving to and from various locations on the property and had been moving large 10,000-gallon propane trucks to strategically block driveways and other locations. The property was almost completely surrounded by an 8-to-10-foot fence and each entrance was gated/fenced.

The BearCat staged about a half of a mile north of the suspect's mother's house located at 15266 Gilchrist Road before the sun was fully up. Through the mission, we referred to this location as the "mother's house." The mother's house included her home, as well as a two-story garage structure just to the southeast of the house. There was a smaller house north of the mother's house on the same property accessed via Gilchrist, which was believed to be Brad Wilhelm's home. To the south of the mother's house there were two large pole barns accessed via Gilchrist believed to be related to the suspect's propane business. Randy Wilhelm's house was east of this location and could be accessed from Monroe Mills Road.

The BearCat was stationed at the second high point in the road north of the mother's house. I wanted us to have the tactical advantage of a higher elevation due to concerns over the possible use of the propane trucks. By this time, the drone had been deployed and we were able to watch its video sporadically from our cell phones. The footage showed that the propane trucks had been moved further down the driveway (west) towards the gate at the mother's house. Mr. Wilhelm had previously been reported to have threatened to park a propane truck in front of the Knox County Courthouse and use a remote switch to detonate it. There was a possibility that we would be called upon to stop Mr. Wilhelm if he decided to use the truck as a weapon. Due to this concern, I called the MRAP to our location, and it pulled up behind us. We discussed various possible scenarios if Mr. Wilhelm attempted to exit the property with a propane truck.

Negotiators attempted to call and text both brothers to get them to leave the property. After the sun had fully risen, negotiators were successful in contacting Mr. Wilhelm's girlfriend. She agreed to leave the property and I watched on the drone's feed as she drove a blue car west toward Gilchrist on the driveway that served the two pole barns south of the mother's house location. She drove until she got to the gate, made her way over the fence, and walked south on Gilchrist. She walked until she made contact with OSP. Negotiators then attempted to use her cellphone to contact Mr. Wilhelm. It is my understanding that all calls and texts went unanswered.

Through the drone footage two men could be seen moving between buildings on the property. The men's description had previously been aired. It was my understanding from the information I was provided that Randy Wilhelm was the man wearing blue jeans, work boots, and a light colored multi camo jacket or shirt. Brad Wilhelm wore a dark long-sleeved shirt or jacket. At one point, Randy Wilhelm was seen carrying a stainless-steel bolt-action rifle on the drone feed. Later, I believe I also saw him carrying what appeared to be an AR style weapon.

Around 8:30 a.m., the men could be seen moving between the back door of the mother's house, a two-story garage structure southeast of the house, and a vehicle parked close to the home's back door. The men got in their vehicle and drove on the property from the mother's house east. I assumed they were moving towards Randy Wilhelm's house. At this point, our intention was to cut the brothers off from returning to the mother's home or the two-story garage/building. We also had concerns that the suspect's mother was still in the home as she was reported to rarely leave the structure and had been in poor health.

About 10 minutes before 9:00 a.m., the BearCat left its staging location and drove to the mother's home. Once we turned into the driveway, the BearCat drove through the 10-foot locked metal fence that blocked the entrance. The fence flew up and over the BearCat. The MRAP followed us into the driveway. The driveway was blocked by a large propane truck. The BearCat cut across the yard to the north of the driveway and parked behind (to the east) the house where the brother's vehicle had previously been. We were tilted slightly towards and facing the northwest. Due to concerns over the weight of the MRAP, it remained on the driveway directly to the west of the propane truck.

When I first exited the BearCat, I covered the house while my team exited the vehicle. When I turned towards the south, I could also see a blue SUV to my right (southwest) in the driveway and a red work truck directly in front of me parked on or near the driveway. The two-story garage structure I had previously seen from the drone footage had a dog kennel behind it (east) and was to the south of my location. There was a tree line directly behind the garage that continued east, blocking our view of the south and southeast.

I was positioned on the rear driver's side corner of the BearCat. DTU members from the MRAP made their way up to the north side of the garage. A few minutes after we arrived, I heard

what I believed to be two large caliber blasts. I heard a few more gunshots in the direction I believe the suspects had gone (east). It was aired over the radio that shots had been fired. They started making announcements over the BearCat's PA system to try and get the suspect's mom out of the house. DTU operators knocked on the door in an attempt to contact the mother, who was believed to still be inside the house. There was no response. I heard several more gun shots.

Around this time, the MaxxPro was requested to go relieve the BATT. It was my understanding that the BATT's windshield had been hit multiple times by rifle rounds and there were concerns about the windshield's integrity if fired upon again. The MRAP team members retreated to their vehicle. Not wanting to give up coverage on the garage/building or allow the suspects to have access to the building, I asked that Sergeant Keller leave two members behind to remain at the garage. Sergeant Combs then went to the MRAP, and it left the vicinity. Officer [REDACTED] and Deputy [REDACTED] remained at the mother's house and moved back to the building southeast of the BearCat.

Almost directly after the MRAP left, it was aired over the radio that the suspects were headed back toward our position on an ATV/Quad. I also remember hearing it aired that the suspects were armed. I was still positioned on the back corner of the driver's side of the BearCat facing south. Officer [REDACTED] was on a knee in front and slightly to my right. I believe Deputy [REDACTED] was in the turret. There were several other members of my team outside of the BearCat, but I am unsure of their exact locations.

I saw the suspects drive towards us at a high rate of speed on a trail that came through the tree line to the southeast of the garage. There were two men in a side-by-side ATV/Quad. The man in the passenger side was wearing light camo. Based on the previous description I received, I believed the passenger was Randy Wilhelm. The man in the driver's seat wore a dark shirt or

jacket, fitting the description of Brad Wilhelm. They broke through the tree line heading directly for the BearCat. I began firing as the ATV continued to move towards us. I was aware at this point that Officer [REDACTED] was also firing. I saw the buttstock of a long gun and the passenger made a lifting motion with his right arm that looked like an attempt to raise the rifle. I fired approximately 10-12 times before the ATV began to turn toward the garage where Officer [REDACTED] and Deputy [REDACTED] were still stationed. I continued firing. At one point, I saw the long gun fall out of the ATV into the grass. I remember pulling back a few times to reassess the threat. I still saw movement and continued to fire as their vehicle crept to a stop. I finally saw their heads slump at which point I was out of ammo, so I stepped back to reload. I did not fire again after the reload as it appeared the suspects were no longer moving and still sat in the ATV about 20 yards from the tree line.

I ordered everyone to stay in their positions and aired that the subjects were no longer moving and asked for a drone to assess their condition. Sergeant Keller returned with the MRAP, and I told them to take position on the driver's side of the ATV. At this point the OSP BearCat was also coming to offer cover and I told the MRAP that they were primary. My team disengaged to avoid potential crossfire. I returned to the command post at the Amity location and had no further involvement in the incident.

At the time I shot, I was in a standing position and shot all my rounds from cover at the back driver's side corner of the BearCat. When I fired, the suspects had previously fired at and damaged an armored police vehicle, which made me suspect the use of large caliber rounds. The suspect had also been seen on drone footage with a long-range rifle. I had been told that he possessed numerous long-range firearms, including possibly a 50-caliber rifle. I had previous knowledge that Mr. Wilhelm was an expert marksman and had large caches of weapons on his property. He also had access to large amounts of propane and had previously threatened to blow

up the courthouse using a propane truck, so I had concerns over the possible remote triggering of an explosive near the propane truck on the driveway if he got in range. A propane truck so ignited would have a potential blast radius of 2,400 feet. Mr. Wilhelm had also previously made known that he would not leave his property without a fight and had refused all attempts made by negotiators to leave the property peacefully. I fired as the ATV moved at a high rate of speed towards my position and the position of other DTU members assigned to the BearCat. I saw the buttstock of a long gun and movement by the passenger that I perceived as an attempt to raise his rifle. Once the ATV turned, it appeared to be moving towards the location of Officer [REDACTED] and Deputy [REDACTED] or attempting to move back east toward other units. I fired until my mag was empty, which I believe to have been 28-rounds. After I reloaded, I no longer perceived an imminent danger, and I did not fire again.

When I fired, it was in a southerly direction at a distance of 50-100 yards away. I began firing at the passenger's center mass using my red dot sights and moved to the center mass of the driver. As the ATV turned, I fired towards the flank of the passenger. The ATV was slightly downhill from my location, so when I fired the backdrop was the ground behind the vehicle.

When I fired, I did not believe that I had any other reasonable alternative other than to fire to protect myself and my fellow officers, who were in imminent danger of being killed or severely wounded, based upon the totality of the actions of the suspect and his brother as expressed in the previous paragraphs.

Though I knew of Randy Wilhelm and his history prior to this mission, I do not remember having any interaction with the suspect or his brother either personal or professional prior to this incident.

This concludes my statement.

Including the signature page, this statement consists of ten (10) pages.

 Badge # 