



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: Deputy Zachary Miller (W)
Date of Activity: 09/01/2022
Activity Location: Knox County Sheriffs Office – Business – 11540 Upper Gilchrist
Road, Mt Vernon, OH 43050, Knox County
Author: SA John P. Tingley, #154

Narrative:

On September 1, 2022, at approximately 1121 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) John Tingley (Tingley.) and SA Joe Goudy (Goudy) interviewed Deputy (Dep.) Zachary Miller (Miller) who was accompanied by Douglas Behringer, attorney, from the Fraternal Order of Police/Ohio Labor Council. The interview took place at the Knox County Sheriff's Office which is located at 11540 Upper Gilchrist Road, Mt. Vernon, Ohio. The interview was audio recorded.

Dep. Miller was identified as being a law enforcement officer who witnessed and/or had some level of involvement in the August 20, 2022, Officer-Involved Critical Incident which occurred in the area of 15266 Gilchrist Road, Mt. Vernon, Knox County, Ohio. Reportedly, Dep. Miller did not discharge a firearm during the course of the incident. The purpose of the interview was to obtain all relevant information of the incident known or observed by this officer.

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 obtained 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.

Prior to the interview, SA Tingley advised Dep. Miller that BCI was conducting a criminal

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investigation separate from any internal investigation and that this interview was voluntary. Dep. Miller verbally confirmed he understood and acknowledged he would like to continue with the interview.

The interview then began at approximately 1121 hours.

Dep. Miller stated his radio call sign on August 20, 2022, was 4275. During the incident, Dep. Miller wore his standard tactical uniform which is green with KCSO patches on the shoulders. He also wore an outer carrier tactical ballistic vest upon which he carried spare magazines and his radio. Dep. Miller stated that he does not wear corrective lenses or have any other physical disabilities or issues. His normal shift is 0800 to 1600 hours Thursday through Monday with Tuesday and Wednesday's off. When asked, Dep. Miller stated that he was not wearing a body camera. He further advised that throughout the incident he was monitoring the XSO42 radio channel. Dep. Miller was then asked to describe his knowledge of the Officer-Involved Critical Incident.

Dep. Miller advised that he received a SWAT call-out from Lieutenant (Lt.) Craig Feeney (Feeney) just before midnight on August 19, 2022. He reported to the staging area at the Roberts Funeral Home on Coshocton Road, Mt. Vernon, Ohio. While there, he observed the bail bondsman's vehicle with bullet holes in it. He remained at the staging area for a few hours before being told to report to the Knox County Sheriff's Office (KCSO).

Dep. Miller stated that upon arriving at the KCSO, he was assigned to accompany a Delaware County Tactical Unit (DTU) in their BearCat. Once he joined up with the DTU, the DTU moved to a new staging area at Cumberland Gas which is located on Danville-Amity Road. This location being a short distance from the Wilhelm property on Gilchrist Road, Mt. Vernon, Ohio.

Dep. Miller continued by advising that eventually the DTU team moved in their BearCat to a location on Gilchrist Road, just north of the Wilhelm property. While there, he and some of the other team members watched drone footage on a live feed of the Wilhelm property.

Dep. Miller stated that once it was determined that Randy and Bradley Wilhelm had left their mother's house (located at 15266 Gilchrist Road) and began traveling towards Randy Wilhelm's house (located at 15159 Monroe Mills Road, Mt. Vernon, Ohio), the DTU team began moving in the BearCat towards Wilhelm's mother's house. The BearCat breached the gate at the driveway leading to the house, drove past a propane tanker truck parked in the driveway, and parked with the BearCat facing north on the east side of the house.

Miller, who was assigned by the DTU team leader to be a cover officer, and three (3)

or four (4) DTU members exited the BearCat once the vehicle had stopped and began covering the doors and windows to the house with the team standing between the house and the BearCat.

Dep. Miller advised that he then heard gunshots coming from the area of Randy Wilhelm's home on Monroe Mills Road. He heard one of the DTU members, who was monitoring a different radio channel, say that a side by side ATV type vehicle was reportedly leaving Randy Wilhelm's house and was possibly heading towards the location where Dep. Miller and the DTU team he was with were at. He then heard the engine of the side by side ATV as the side by side ATV was getting closer to his location near the mother's house.

One of the DTU members asked Dep. Miller where he believed the side by side ATV would come out of the tree line if it was heading for the mother's residence. Dep. Miller pointed to a well worn path coming through the tree line.

Dep. Miller stated that shortly after this conversation, he observed the side by side ATV come driving on a path through the tree line at a high rate of speed. He turned to continue covering the residence and shortly heard gunshots. Dep. Miller then heard the DTU team leader call out that he was re-loading and Dep. Miller turned around to cover the other DTU member who was still at the rear of the BearCat. He stated that he brought his rifle up and began pointing at and covering the side by side ATV, however, he did not fire as he did not have a clear shot.

Dep. Miller then hears the DTU team leaders rifle bolt slam forward and hears him moving back into position. Dep. Miller immediately turns and begins covering the house doors and windows again.

SA Tingley asked Dep. Miller once the side by side ATV comes through the tree line where were the shots he heard coming from. Dep. Miller advised the DTU team was firing as they had suppressed weapons and those rifles, so equipped, make a different sound when fired

SA Tingley asks Dep. Miller what the DTU team did after the side by side ATV comes to a stop. Dep. Miller replied that he continued to cover the house as the house had not yet been cleared. The OSHP BearCat was called to come up and check to verify that the side by side was disabled and not going anywhere. The side by side ATV was checked and a report was received of a possible device on the vehicle. Accordingly, the DTU team and Dep. Miller went back into the BearCat which was still parked beside the mother's house. Shortly thereafter, those DTU members who had fired left the vehicle and proceeded back to Gilchrist Road on foot.

SA Goudy then asked Dep. Miller what the length of time was between the side by side ATV coming through the tree line to when shots were no longer being fired. Dep. Miller

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stated two (2) to three (3) minutes elapsed between when the first shots were fired to when the side by side ATV was checked by the tactical team in the OSHP BearCat.

Dep. Goudy then asked Dep. Miller when the side by side ATV was coming into view did he see either of the occupants firing. Dep. Miller stated that he did not know for sure.

The interview then concluded at approximately 1138 hours.

This interview was audio recorded and is attached to this case file. Please review the audio recording for further details.

Attachments:

Attachment # 01: 2022-1726 KSCO DEPUTY MILLER INTERVIEW