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Law Supplemental Narrative

SA Berkley indicated after the briefing had concluded, they went to the vehicles and began to deploy to begin the operation. Shortly after, they received information the suspect was at the American Center Park & Ride. Information was passed over the radio the suspect was in a silver Hyundai SUV with very dark tint. They indicated the vehicle was backed in to a spot at the park and ride.

SA Berkley drove his team to the Kwik Trip off of Buttonwood Drive near American Parkway where he staged at the northeast corner of the lot. SA Berkley stated he was unable to have any visual of the suspect vehicle as he was staged. SA Berkley stated he and his team remained staged at the Kwik Trip. Periodically over the radio they would receive updates of the suspect's movement within the vehicle.

While being staged at the Kwik Trip, SA Berkley heard over the radio discussions on how to address the vehicle. Agents were attempting to determine if they would attempt a SIC maneuver in a safe manner.

A secondary plan was put into place if the light was green at Eastpark Boulevard and American Parkway, they would attempt to take the suspect on foot at one of his residences.

SA Berkley described a SIC maneuver as the front vehicle making contact with their rear bumper to the front bumper of the suspect vehicle. Then a rear vehicle would make contact with their front bumper to the rear of the suspect vehicle. This is done in an attempt to contain the suspect vehicle in place and not allow it to drive away or flee apprehension.

After a short period of time, SA Berkley heard over the radio the suspect was driving away from the park and ride. It was decided over the radio if the vehicle came to a red light at Eastpark Boulevard and American Parkway, they would attempt the SIC maneuver if it could be conducted in a safe manner. SA Berkley drove his vehicle from the Kwik Trip parking lot onto Buttonwood Drive, driving in a southern direction towards Eastpark Boulevard. While coming to the stop sign at Buttonwood Drive and Eastpark Boulevard, he observed a silver Hyundai SUV driving on Eastpark Boulevard towards American Parkway. He described the vehicle as having dark window tint, making it difficult to see inside from a distance.

SA Berkley turned to the right, turning onto Eastpark Boulevard. Upon doing so, he observed SA Scott Leck in his state issued gray Ford F150 at the red light at Eastpark Boulevard and American Parkway. SA Berkley also observed SA Jeff Hale exiting a parking lot onto Eastpark Boulevard. SA Berkley believed SA Hale's vehicle exited a parking lot, getting directly behind the silver Hyundai SUV. It was a red light at Eastpark Boulevard and American Parkway. They determined due to SA Leck's vehicle being in front of the suspect vehicle and SA Hale's vehicle being behind, it was an optimal opportunity to conduct a SIC maneuver.

SA Berkley was directly behind SA Hale's truck when they heard the command to attempt the SIC maneuver. SA Berkley was unsure which agent gave the command for the SIC maneuver to be conducted. SA Berkley indicated when the maneuver began, he activated his emergency red and blue lights, along with his siren coming to a stop behind SA Hale's truck. Initially, SA Berkley's team began to exit the vehicle; however, he did not exit immediately, keeping his feet on the brake. SA Berkley stated as the driver, he was not sure what initially he would need to do, so he wanted to make sure the SIC maneuver was successful. SA Berkley remained in the driver seat for a short time as his team exited.

SA Berkley observed a team exiting from SA Hale's truck and begin to approach

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the driver side of the suspect vehicle. SA Berkley indicated he observed there was a shield, rifle, and halligan tool at the driver side of the vehicle. SA Berkley was unsure what specific agents were at the driver side as the initial contact team.

SA Berkley was exiting his vehicle. While exiting the vehicle, he observed SA Hale's emergency red and blue lights and siren were activated. SA Berkley reached and turned off his siren on his vehicle because he believed it would potentially be difficult to hear with multiple sirens while giving commands to the suspect vehicle. SA Berkley kept his emergency red and blue lights activated. While beginning to approach SA Hale's vehicle, he could hear commands over the siren. Some of the commands SA Berkley was hearing were "Police," and "Show me your hands." SA Berkley indicated these commands were given repeatedly to the suspect in the vehicle. SA Berkley stated the commands were loud enough to be heard over the siren.

As SA Berkley began to approach the vehicle, he initially removed his handgun from his holster; however, he observed multiple officers in front of him, so he re-holstered immediately. SA Berkley determined he would need to assist with potentially securing the suspect and arresting him.

SA Berkley was on the drivers side of SA Hale's vehicle. SA Berkley observed the rear driver side window broken open by one of the members of the contact team. The window was broken open using the halligan tool. SA Berkley continued to hear commands while he approached the vehicle and as the window was being breached.

SA Berkley stated at this point he heard what he believed to be two shots being fired. SA Berkley indicated he observed glass shooting from the drivers side window of the suspect vehicle. His initial observation led him to believe the shots were possibly coming from inside the vehicle out towards the initial contact team. SA Berkley indicated the glass appeared to be coming towards his partners rather than in towards the suspect's vehicle.

SA Berkley observed one of the team members with the shield, who was identified as SA Mark Wagner, fall backwards towards the median. While doing so, SA Berkley heard additional gunfire. SA Berkley was unsure how many shots were fired or who would have been firing the shots.

After the shots, there was no more gunfire heard. SA Berkley heard from someone on scene SA Wagner had been shot. SA Berkley attempted to get over to him, but he wasn't able to as he feared the suspect was firing in the direction he would have to cross to get to SA Wagner. SA Berkley observed SA Wagner get up to his feet. SA Berkley went to make contact with SA Wagner. SA Berkley walked SA Wagner to the rear of SA Hale's truck at this point.

While walking back to the vehicle and while standing at SA Hale's vehicle, SA Berkley continued to hear commands being given to the suspect such as "Police," "Show me your hands." SA Berkley also heard other agents on scene indicate they could not see the suspect's hands.

While at the rear of SA Hale's vehicle, SA Berkley took SA Wagner's shield from him. SA Berkley determined he would approach the passenger side with two additional agents. SA Berkley believed it was SA Dilley and SA Jay Novak.

SA Berkley had the shield for this approach to the passenger side of the vehicle. While approaching, SA Berkley indicated he could not see initially into the vehicle because of the window tint. An agent broke the rear passenger

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