

### **Guns to Crime Lab**

Leatherberry said a big deal was made about which agency would process the firearms recovered in this investigation; Wagner's pistol and Peskie's rifle. Dane County didn't want the guns to go to the State Crime Lab, because of a potential conflict of interest. They inquired with the ATF, who refused to process the guns, then tried to engage a private group in Rockford, IL, composed of former Illinois Crime Lab employees. When the Rockford company heard the case involved a state agent, they refused, and Dane County was left with no option other than to have Wisconsin's State Crime Lab process the firearms.

### **Approval of Window and Tint Replacement**

Leatherberry provided the following information, to the best of his recollection. Leatherberry said he was processing Wilson's car in the lower garage and was trying personally to produce answers about what might have caused the shooting to occur. He walked to his own vehicle to retrieve something and was met with his own reflection in the tint of his vehicle. This caused Leatherberry to think that perhaps Wagner or Peskie saw a reflection of one another and in the confusion, thought they were seeing a gun inside Wilson's vehicle pointed out at them.

In particular, Leatherberry started to consider that, looking through the small window of the shield, Wagner might have seen his own gun in the reflection superimposed on the driver's side window, or that Peskie saw a reflection of Wagner's gun and opened fire first.

Leatherberry was not aware that statements from both Wagner and Peskie, as well as descriptions of events from other witnesses, indicated that Wagner fired before Peskie.

Leatherberry said a briefing was held and he suggested replacing the windows and tinting and recreating the conditions to see what that would yield. He is sure Mayerhofer and Hendrickson were present, and possibly Lt. Ewers-Hayes, as well as Captain Tetzlaff. Sergeant Sherry Casper may also have been present. He's not sure who else but there were others present. Captain Tetzlaff really didn't want to use Wilson's actual car because of preservation of evidence. Ultimately, the District Attorney's Office gave Dane County the "green light" to replace the windows and tint. Leatherberry was not present for all discussions and meetings on this issue, but knows Captain Tetzlaff had the final approval on the DCSO side.

Leatherberry said that he believes the windows were replaced at a dealer and the tint somewhere else. He said that all evidence had already been processed from Wilson's vehicle, including vacuuming the glass from the bottom of the inside of the doors, and putting it in plastic bags.

Leatherberry said, to his knowledge, nothing else was taken from the Wilson's auto: the trim wasn't removed or replaced, only the windows and the tint.

Leatherberry said that the weather/lighting conditions were recreated and pictures taken. He wasn't sure about any video but didn't feel the pictures alone created the full impression he was looking for. Dep. Scott Kuntz was present and specializes in forensic video analysis.