

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
OFFICE OF THE SHERIFF

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News Release

Update on August 2, 2023 Neenah Shooting

For Immediate Release

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On August 2, 2023, the Sheboygan County Sheriff's Office was requested to investigate a shooting in the City of Neenah that involved the Lake Winnebago Area MEG Unit. As a result, Sheboygan County District Attorney Joel Urmanski was asked to review the case.

Last week DA Urmanski provided a review and decision. He also met with the family of the deceased as well. DA Urmanski concluded, that the Investigators actions were reasonable and that no criminal charges should be issued.

Due to the confidential nature and undercover operations, the names of the officers involved will not be released. Releasing their identities could jeopardize on-going investigations. A copy of the redacted reports and videos will be posted by the Sheboygan County Sheriff's Office to our webpage this week.

A synopsis of the events is as follows:

On August 2, 2023, law enforcement from the Sheboygan County Sheriff's Department were assigned to investigate an officer involved shooting that resulted in the death of Nathan J. Briese, DOB 8/30/85 of Neenah, WI. Law enforcement from other agencies assisted in the investigation. The shooting occurred on August 2, 2023, at a gas station in the 500 block of S. Commercial Street in Neenah.

An autopsy of Briese was performed on August 4, 2023. The autopsy was performed at the Walworth County Medical Examiner's Office. During the autopsy it was determined that Briese's cause of death was four gunshot wounds, which were observed to his head, torso and extremity. A toxicology report concerning samples collected at autopsy resulted in the identification of substances including Cocaine and Methamphetamine in Briese's blood. The toxicology report notes that effects of cocaine use can include euphoria, excitement, restlessness, risk taking, sleep disturbance and aggression. The report notes that methamphetamine is capable of causing hallucinations, aggressive behavior, and irrational reactions.

On August 2, 2023, Briese was the subject of a controlled purchase of drugs. The purchase was performed by a confidential informant and under the supervision of law enforcement. The drug purchased was believed to have been methamphetamine. During the controlled buy, law enforcement was informed by the confidential informant that Briese had a firearm in his vehicle. The vehicle was a silver SUV, which was later searched after the shooting. The SUV contained identifiers for Briese along with suspected drugs and drug paraphernalia, including baggies and a scale. Briese was surveilled during and after the controlled buy. After the controlled buy, Briese went to the gas station. Law enforcement's plan, according to a member of the team involved in the controlled purchase, was to arrest Briese based on probable cause from the controlled purchase. Law enforcement was also aware that Briese had a warrant for his arrest, in fact another member of the investigation noted that the arrest was to be performed based on the existence of the warrants.

Records show that Briese had two active felony warrants on August 2, 2023. The first warrant was issued in Winnebago County Case 2023CF314. It was issued on June 20, 2023. The Case charged a single count of Fraud Against a Financial Institution (Value Exceeds \$500 but does not Exceed \$10,000), a Class H Felony. The second warrant was issued in Winnebago County Case 2023CF174. It was issued on or about June 8, 2023. The Case charged a single count of Burglary – Building or Dwelling, a Class F Felony. Briese was also a felon, thus not able to legally possess a firearm. He was convicted of a felony offense in a Green Lake County Case after having entered a guilty plea on September 20, 2006, and having been sentenced on February 26, 2007.

According to Investigator #2, who was interviewed by Sheboygan County Sheriff's Department Detectives, he learned prior to the attempted arrest that Briese was known to flee and elude police. He said that if given the opportunity to arrest

Briese, law enforcement would do so in an open-air situation. This was explained by another member of the investigation to mean an arrest in a location outside of a vehicle, outside of a residence, outside of a structure and/or within a structure where law enforcement had some control over allowing them to get close enough to effectuate a safe arrest. They wished to have Briese in a place by himself, outside of a residence or his vehicle and to safely take him into custody. Investigator #2 was aware that during the controlled purchase the confidential informant mentioned something about a firearm and that there was a gun in Briese's car.

Investigator #2 explained the planned arrest. He said that he was one of four members of a team that was going to perform the arrest. Surveillance units advised it was a good opportunity to arrest Briese as he stopped at the gas station, exited his vehicle alone and entered the store. Investigator #2 further advised that he and his team were informed that there did not appear to be anyone else in the gas station other than the clerk since there were not a lot of vehicles present.

The vehicle containing Investigator #2 and three other members of law enforcement pulled into the parking lot of the gas station and parked parallel to the front doors. As soon as the law enforcement vehicle stopped, Investigator #2 exited the rear passenger seat. He and Investigator #1, who was in the front passenger seat, got to front door. Investigator #2 took a position behind Investigator #1. He said that as Investigator #1 opened the door to the gas station he did not see Briese right away given his position on Investigator #1's right side. He then saw Briese near the cash register and yelled, "Stop!" as Briese started to run toward the back of the store. He and Investigator #1 gave chase. He advised that Investigator #1 was yelling commands to Briese in a loud manner.

Investigator #2 said that Briese ran to a back wall, which consisted of coolers. Briese spun around quickly. Investigator #2 advised that it was clear to him that Briese pulled up his shirt in the front with one hand and that his other hand went towards his waist with his elbow flared out. He said that he observed a gun in Briese's waistband. He said that at that time he knew Briese was going to kill him, Investigator #1 or the other officers behind him. Investigator #2 said he decided to fire, estimating that he fired two to three rounds as he aimed at Briese. He said that Briese turned towards his left and faced law enforcement. Investigator #2 moved to his right, maneuvering around a grocery aisle. He said he came around the corner of the aisle and that Briese still had his hands near his waistband. He fired another two to three rounds at Briese until Briese crumpled to the floor. He could not see Briese's hands. He said that he started to give Briese commands to show his hands.

Investigator #1 moved next to Investigator #2 with both giving lethal cover towards Briese who was on the floor. He and Investigator #1 were removed from the scene. Law enforcement began giving Briese aid.

Investigator #1 was also interviewed by Detectives. He said that he turned his body camera on as law enforcement entered the parking lot of the gas station. He got out of the vehicle immediately and was the first point of contact for the planned arrest. He said that he walked to the gas station doors with his rifle at a low ready. He said he saw Briese standing inside at the cash register counter. He positively identified Briese based on the law enforcement briefing earlier in the day and the controlled buy on today's date.

Investigator #1 said that Briese did not see him right away as Investigator #1 was opening the door. He said he yelled, "Nathan Briese" and gave a verbal announcement that he was under arrest as Briese looked up. Investigator #1 said that Briese had something in his hand that he was going to purchase and then made a movement away from Investigator #1 as Investigator #1 yelled to Briese that he was under arrest. Briese began to flee towards a back-cooler wall. Investigator #1 said that as Briese got to the back he looked to his left as if looking for a way out. Investigator #1 said that he followed. He said that Briese squared up to him and with his left hand he lifted the front of his shirt. His right hand went towards his waist with his elbow flared out. Investigator #1 said he could see the black pistol grip of a gun being pulled from his waistband. Investigator #1 said he knew that if he did not engage Briese, then Briese would shoot him or others in the gas station. He said he knew he had to stop the threat because his life was in danger. He said he engaged with rounds that hit the glass cooler as Briese moved to the right. He said he moved with Briese, who he said still had his hands in his waist area. He said he continued to engage until Briese was no longer making movements near the pistol. He then moved next to Investigator #2 where they both provided lethal cover towards Briese. He was not aware that Investigator #2 also fired his weapon.

The Sheboygan County Sheriff's Department was able to download and review video surveillance from the gas station. Based on the video, we determined that Briese entered the convenience store of the gas station at 4:43:21 PM. He was the only customer in the store. An employee was placing items in a cooler and moved to the counter. Briese appeared to ask the employee for two glass pipes, which the employee selected from behind the counter. Briese also appeared to ask about an item and then threw a package of Chore Boy on the counter. He paid for the three items with money from his wallet. He also took some change from the penny jar,

which was given to the clerk. He looked to his left, towards the front door. At 4:43:58 PM he looked a second time and appeared to notice law enforcement entering the front door of the store. He immediately ran west towards the coolers. While running, Briese reached into his left pocket. He removed a cellular phone, which fell to the ground at 4:44:01 PM. He spun counter clockwise and used his left hand to lift up the front of his shirt. At 4:44:02 PM, Nathan produced a handgun from his waistband. He held it in his right hand. Based on review of the video, Briese was facing law enforcement at this time.

As Briese produced the handgun, Investigator #1 of the Outagamie County Sheriff's Department was closing in on him. Investigator #1 had his rifle high at ready position. He was only a few feet from Briese. Briese dove to his left, towards a corner of the store. As he was diving he appeared to try to rack the slide of his handgun with his left hand. At approximately the same time he started to dive he was facing Investigator #1 with his hand holding the gun. Investigator #1 fired his rifle, hitting the glass of a cooler behind Briese. Glass shattered behind Briese at 4:44:02 PM. As Briese dove to the ground, Investigator #1 continued to advance. He turned the corner at 4:44:04 PM. At the same time, Investigator #1 split off and attempted to move around shelving to the north. Investigator #2 appeared to engage, although the view from the camera was obstructed by other items. At approximately 4:44:05 PM, what appeared to have been Briese's gun slid on the floor and hit Investigator #1's right foot. Investigator #1 disengaged at 4:44:06 PM. He regrouped with Investigator #2 on the north side. Officers cleared the store of employees and provided Briese with medical care. EMS later arrived on scene and transported Briese to Thedacare Regional Medical Center. The time from law enforcement entry into the store to Briese having been shot was approximately 8 seconds or less.

The Sheboygan County Sheriff's Office also reviewed body camera from a number of members of law enforcement who were at the scene. From Investigator #1's body camera we were able to determine that Investigator #1 exited a vehicle outside of the gas station and proceeded to the convenience store front door with his rifle at the low ready position. He entered the store and immediately moved his rifle to the high ready position, pointed it at Briese and yelled, "Nathan Briese." He instructed Briese to get on the ground. Briese did not get on the ground, but retreated towards the coolers. According to the review, Briese could be seen drawing his gun from his waistline. At about the same time, shots are fired by Investigator #1, but they appear to miss Briese and strike the cooler behind him. Briese moved out of the frame of the body camera behind a shelf. Investigator #1 followed him, engaging him further

after he turned the corner.

Investigator #2, who is from the Appleton Police Department advised that on August 2, 2023, he had been wearing jeans, a t-shirt and a vest that had "POLICE" placards on the center of the chest and back. The word, "POLICE" was in white lettering against a black background. Investigator #1 advised that he had been wearing jeans, a t-shirt and a black exterior vest. The vest had "Sheriff" patches on the front and back with white letters over a black background. He was wearing a black baseball cap and had his badge on a chain around his neck, which was exposed on the outside of his vest.

The firearm Briese possessed, which was collected from the floor of the gas station convenience store, was a Smith & Wesson MP Shield EZ M2.0 model 9mm pistol.

End of Release.