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08/21/23
12:55

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
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Call Number: 1116139

Nature: ASSIST
Reported: 18:04:13 08/02/23
Rcvd By: GUILLEN, J How Rcvd: N
Occ Btw: 18:04:13 08/02/23 and 18:06:29 08/02/23
Type: 1
Priority: 5

Address: 2111 Marathon Ave; NEENAH PD
City: NEENAH

Alarm:

COMPLAINANT/CONTACT

Complainant: , Name#:
Race: Sex: DOB: **/**/**
Address: ,
Home Phone: Work Phone:

Contact: S312
Address:
Phone:

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
GUILLEN, J	18:13:55 08/02/23	S221	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:14:43 08/02/23	S031	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:14:43 08/02/23	S110	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:14:43 08/02/23	S112	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:14:43 08/02/23	S128	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:14:43 08/02/23	S132	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:14:43 08/02/23	S217	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:36:03 08/02/23	S066	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
GUILLEN, J	18:36:03 08/02/23	S129	ASSG	SOUT	SCSD	incid#=S23-11152 ASSIGNED TO A CALL call=2661
WUESTENHAG	18:36:10 08/02/23	S128	ENRT	SOUT	SCSD	(MDC) Enroute to a call incid#=S23-11152 call=2661
GUILLEN, J	18:43:31 08/02/23	S221	ENRT	SOUT	SCSD	call=2661
GUILLEN, J	18:47:07 08/02/23	S031	ENRT	SOUT	SCSD	incid#=S23-11152 ENROUTE TO A CALL call=2661
GUILLEN, J	18:47:07 08/02/23	S066	ENRT	SOUT	SCSD	incid#=S23-11152 ENROUTE TO A CALL call=2661
GUILLEN, J	18:47:07 08/02/23	S110	ENRT	SOUT	SCSD	incid#=S23-11152 ENROUTE TO A CALL call=2661

08/21/23
12:55

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
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GUILLEN, J	18:47:07	08/02/23	S112	ENRT	SOUT	SCSD	incid#=S23-11152	ENROUTE TO
							A CALL call=2661	
GUILLEN, J	18:47:07	08/02/23	S128	ENRT	SOUT	SCSD	incid#=S23-11152	ENROUTE TO
							A CALL call=2661	
GUILLEN, J	18:47:07	08/02/23	S129	ENRT	SOUT	SCSD	incid#=S23-11152	ENROUTE TO
							A CALL call=2661	
GUILLEN, J	18:47:07	08/02/23	S132	ENRT	SOUT	SCSD	incid#=S23-11152	ENROUTE TO
							A CALL call=2661	
GUILLEN, J	18:47:07	08/02/23	S217	ENRT	SOUT	SCSD	incid#=S23-11152	ENROUTE TO
							A CALL call=2661	
GUILLEN, J	18:47:07	08/02/23	S221	ENRT	SOUT	SCSD	incid#=S23-11152	ENROUTE TO
							A CALL call=2661	
HATCH, NAT	01:08:16	08/03/23	S112	ARRV	SOUT	SCSD	(MDC) Arrived on scene	
							incid#=S23-11152 call=2661	
HATCH, NAT	01:08:17	08/03/23	S112	CMPL	SOUT	SCSD	(MDC) Completed call	
							incid#=S23-11152 call=2661	
LISOWE, TR	02:17:53	08/03/23	S221	CMPL	SOUT	SCSD	incid#=S23-11152	COMPLETED
							CALL call=2661	
LISOWE, TR	02:18:12	08/03/23	S217	CMPL	SOUT	SCSD	incid#=S23-11152	COMPLETED
							CALL call=2661	
LISOWE, TR	02:18:26	08/03/23	S110	CMPL	SOUT	SCSD	incid#=S23-11152	COMPLETED
							CALL call=2661	
LISOWE, TR	02:18:36	08/03/23	S031	CMPL	SOUT	SCSD	incid#=S23-11152	COMPLETED
							CALL call=2661	
WUESTENHAG	04:05:54	08/03/23	S128	ARRV	SOUT	SCSD	(MDC) Arrived on scene	
							incid#=S23-11152 call=2661	
WUESTENHAG	04:06:02	08/03/23	S128	CMPL	SOUT	SCSD	(MDC) Completed call	
							incid#=S23-11152 call=2661	
VILLA, T	09:31:40	08/03/23	S066	CMPL	SOUT	SCSD		
VILLA, T	09:31:40	08/03/23	S129	CMPL	SOUT	SCSD		
VILLA, T	09:31:40	08/03/23	S132	CMPL	SOUT	SCSD		

COMMENTS

18:43:43 08/02/2023 - GUILLEN, J - From: NORLANDER, C
ENROUTE
18:45:33 08/02/2023 - GUILLEN, J - From: NORLANDER, C
SPD,WSP,MCSO AND CRIME LAB ENROUTE

UNIT HISTORY

Unit Time/Date Code

S031 18:14:43 08/02/23 ASSG
S031 18:47:07 08/02/23 ENRT
S031 02:18:36 08/03/23 CMPL
S066 18:36:03 08/02/23 ASSG
S066 18:47:07 08/02/23 ENRT
S066 09:31:40 08/03/23 CMPL
S110 18:14:43 08/02/23 ASSG
S110 18:47:07 08/02/23 ENRT
S110 02:18:26 08/03/23 CMPL
S112 18:14:43 08/02/23 ASSG
S112 18:47:07 08/02/23 ENRT
S112 01:08:16 08/03/23 ARRV
S112 01:08:17 08/03/23 CMPL

08/21/23
12:55

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
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S128	18:14:43	08/02/23	ASSG
S128	18:36:10	08/02/23	ENRT
S128	18:47:07	08/02/23	ENRT
S128	04:05:54	08/03/23	ARRV
S128	04:06:02	08/03/23	CMPL
S129	18:36:03	08/02/23	ASSG
S129	18:47:07	08/02/23	ENRT
S129	09:31:40	08/03/23	CMPL
S132	18:14:43	08/02/23	ASSG
S132	18:47:07	08/02/23	ENRT
S132	09:31:40	08/03/23	CMPL
S217	18:14:43	08/02/23	ASSG
S217	18:47:07	08/02/23	ENRT
S217	02:18:12	08/03/23	CMPL
S221	18:13:55	08/02/23	ASSG
S221	18:43:31	08/02/23	ENRT
S221	18:47:07	08/02/23	ENRT
S221	02:17:53	08/03/23	CMPL

RESPONDING OFFICERS

Unit Officer

S031 NELSON, MISTY
S066 LAPEAN, T
S110 WIELAND, SCOTT
S112 HATCH, NATHAN
S128 WUESTENHAGEN, T
S129 FORSYTHE, C D
S132 JUDD, BRIAN
S217 WITTLINGER, K
S221 NORLANDER, C

INVOLVEMENTS

Type Record# Date Description Relationship

LW S23-11152 08/02/23 ASSIST S23-11152 2111 Marath Initiating Call



SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT

Incident S23-11152

Nature: ASSIST
Location:

Address: 2111 Marathon Ave; NEENAH PD
NEENAH WI 54956

Offense Codes: 9824

Received By: GUILLEN, J

How Received: N

Agency: SCSD

Responding Officers: NORLANDER, C, HATCH, NATHAN, JUDD, BRIAN, NELSON, MISTY, WITTLINGER, K, WIELAND, SCOTT, WUESTENHAGEN, T, FORSYTHE, C D, LAPEAN, T

Responsible Officer: NORLANDER, C

Disposition: ACT 08/02/23

When Reported: 18:04:13 08/02/23

Occurred Between: 18:04:13 08/02/23 and 18:06:29 08/02/23

Assigned To:
Status:

Detail:
Status Date: **/**/**

Date Assigned: **/**/**
Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lie:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: 5299 WEAPON OFFENSE

Additional Offense: 9824 DEPARTMENT INFORMATION

Circumstances

Responding Officers:

Unit :

NORLANDER, C	S221
HATCH, NATHAN	SI12
JUDD, BRIAN	S132
NELSON, MISTY	S031
WITTLINGER, K	S217
WIELAND, SCOTT	S110
WUESTENHAGEN, T	SI28
FORSYTHE, C D	S129
LAPEAN, T	S066

Responsible Officer: NORLANDER, C

Agency: SCSD

Received By: GUILLEN, J	Last Radio Log: 09:31:40 08/03/23 CMPLT
How Received: N OFCR IN PERSON	Clearance:
When Reported: 18:04:13 08/02/23	Disposition: ACT Date: 08/02/23
Judicial Status:	Occurred between: 18:04:13 08/02/23
Misc Entry:	and: 18:06:29 08/02/23

Modus Operandi:	Description :	Method :
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Involvements

Date	Type	Description	
08/03/23	Law Incident	ASSIST C23-13834	Related Incident
08/03/23	Name	SHEBOYGAN PD,	Other Agency
08/03/23	Name	WINNEBAGO CO SD,	Other Agency
08/03/23	Name	WI STATE PATROL,	Other Agency
08/03/23	Name	WINNEBAGO CO CORONERS OFFICE,	Referenced
08/03/23	Name	MANITOWOC CO SO,	Other Agency
08/02/23	Name	NEENAH PD,	Other Agency
08/02/23	Name	THEDA CLARK MEDICAL CENTER,	Contact
08/02/23	Name	BRIESE, NATHAN J	Victim
08/02/23	Name	LARRYS LIVERY SERVICE INC,	Contact
08/02/23	Name	KEATOR, NICHOLAS	Contact
08/03/23	Vehicle	SIL SIL 0 CHEV EQUINOX IL	Vehicle
08/02/23	Cad Call	18:04:13 08/02/23 ASSIST	Initiating Call
08/03/23	Property	09 DIG PHOTOSLE 0	Property
08/03/23	Property	RIFLE FN RIFLE 0	Property
08/03/23	Property	HANDGUN GLOCK 9MM 0	Property
08/03/23	Property	OTHER-MISC BODY CAMERA 0	Property
08/03/23	Property	AMMO ROUND 0	Property
08/03/23	Property	AMMO ROUND 0	Property
08/03/23	Property	BACKPACK 0	Property
08/03/23	Property	OTHER-STRT DRUG UNKNOWN 0	Property
08/03/23	Property	DRUG PARA 150	Property
08/03/23	Property	OTHER-MISC RECEIPTS POTAWATOMI CARD 0	Property
08/03/23	Property	KNIFE 0	Property
08/21/23	Evidence	Sling, mag, ammo rounds	Evidence Incident
08/16/23	Evidence	Bullet from decedent	Evidence Incident
08/16/23	Evidence	Blue underwear	Evidence Incident
08/16/23	Evidence	Fingerprints & DNA card	Evidence Incident
08/16/23	Evidence	33.08 gm meth	Evidence Incident
08/16/23	Evidence	38.80 gm crack cocaine	Evidence Incident
08/16/23	Evidence	15.70 gm mushrooms	Evidence Incident

08/16/23	Evidence	Misc para and packaging	Evidence Incident
08/14/23	Evidence	Clock 9mm w/mag & 7 rounds	Evidence Incident
08/14/23	Evidence	Glock w/light, 12 rounds, mag	Evidence Incident
08/07/23	Evidence	Homady 556 fired casing	Evidence Incident
08/07/23	Evidence	Speer 17 223 Rem fired casing	Evidence Incident
08/07/23	Evidence	Speer 17 223 Rem fired casing	Evidence Incident
08/07/23	Evidence	Speer 17 223 Rem fired casing	Evidence Incident
08/07/23	Evidence	Wallet, lighter, cigarettes,	Evidence Incident
08/07/23	Evidence	Speer 17 223 Rem fired casing	Evidence Incident
08/07/23	Evidence	Adidas baseball cap	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Grey cut shirt	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Hornady 5.56 Nato fired casing	Evidence Incident
08/07/23	Evidence	Set of blood swabs	Evidence Incident
08/07/23	Evidence	Homady 5.56 Nato fired casing	Evidence Incident
08/07/23	Evidence	Homady 5.56 Nato fired casing	Evidence Incident
08/07/23	Evidence	iPhone with blue case	Evidence Incident
08/07/23	Evidence	Homady 5.56 Nato fired casing	Evidence Incident
08/07/23	Evidence	Set of keys on lanyard	Evidence Incident
08/07/23	Evidence	S&W 9mm handgun & magazine	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Speer 17 223 Rem fired casing	Evidence Incident
08/07/23	Evidence	Speer 17 223 Rem fired casing	Evidence Incident
08/07/23	Evidence	Bullet fragment	Evidence Incident
08/07/23	Evidence	Fired bullet	Evidence Incident
08/07/23	Evidence	Fired bullet	Evidence Incident
08/07/23	Evidence	Knife, 2 receipts, casino card	Evidence Incident
08/07/23	Evidence	Glass measuring cup	Evidence Incident
08/07/23	Evidence	Black/gray Reebok backpack	Evidence Incident
08/07/23	Evidence	FN AR-15 rifle	Evidence Incident
08/07/23	Evidence	Glock 9mm handgun	Evidence Incident
08/07/23	Evidence	Glock 9mm magazine	Evidence Incident
08/07/23	Evidence	Tactical vest	Evidence Incident
08/07/23	Evidence	Loyal 9 rifle	Evidence Incident
08/07/23	Evidence	Magazine with 23 rounds	Evidence Incident
08/07/23	Evidence	Chambered round	Evidence Incident
08/07/23	Evidence	Glock 45 handgun	Evidence Incident

08/07/23	Evidence	Glock magazine w/17 rounds	Evidence Incident
08/07/23	Evidence	Clock 9mm round from chamber	Evidence Incident

Narrative

INVESTIGATIVE REPORT

Date: 08-02-23

Time (approximately): 1746 hours (time of our agency's involvement starting, not time of incident)

Location: 521 S Commercial Street

Municipality: City of Neenah

Lieutenant: Corey Norlander

On the above listed date and time, I, Lieutenant Corey Norlander, was assigned by Sheriff Roeseler to lead an investigative team for an officer involved shooting in the City of Neenah, involving the Lake Winnebago Area MEG Unit (LWAM). The Department of Justice (DOJ) Division of Criminal Investigation (DCI) requested our agency lead this investigation because their officers were involved in the overall incident.

RESULT: I assembled an investigative team that included our Criminal Investigation Division (CID), the Manitowoc County Sheriff's Office, the Sheboygan Police Department, Wisconsin State Patrol, the Wisconsin State Crime Laboratory, and the Neenah Police Department, to conduct this investigation. The Winnebago County Coroner's Office was also involved.

Related Case Numbers:

Sheboygan Police Dept.: C23-13834

Manitowoc Sheriff's Dept.: 2023-06392

Lake Winnebago Area Meg: 23-5932

Squad Video: No, not from any agency

Body Camera Video: Yes, from numerous law enforcement agencies

Follow up to come: Yes

Was interview video recorded: Not at the time of this report

Handheld Olympus Audio Recording: Yes

Digital Photos: Yes

Surveillance Video: Yes

Phone/Computer Examination: Yes

Written Statements: Not at the time of this report

Forms Distributed: No

Has a suspect been arrested? No, suspect is deceased

Was the suspect armed when arrested? Yes

Was force needed to make the arrest: Yes

Were DRUGS a factor in this incident: Unknown

Was ALCOHOL a factor in this incident: Unknown

Was this a computer facilitated crime: No

During the course of this investigation, the Sheboygan County Sheriff's Office was aided by the following:

SHEBOYGAN POLICE DEPARTMENT:
Detective Ryan Walloch

SHEBOYGAN POLICE DEPARTMENT:
Detective Todd Danen

MANITOWOC COUNTY SHERIFF'S OFFICE:
Lieutenant David Remiker

MANITOWOC COUNTY SHERIFF'S OFFICE:
Detective Brett Oswald

MANITOWOC COUNTY SHERIFF'S OFFICE:
Detective Nate Steber

MANITOWOC COUNTY SHERIFF'S OFFICE:
Detective Michael Hermann

MANITOWOC COUNTY SHERIFF'S OFFICE:
Crime Scene Specialist, who I did not identify

MILWAUKEE CRIME LABORATORY RESPONSE TEAM:
Chris Johnson

WINNEBAGO COUNTY DISTRICT ATTORNEY'S OFFICE:
Deputy District Attorney Christian Gossett

WISCONSIN STATE PATROL:
Trooper Jeremy VerGowe

WINNEBAGO COUNTY MEDICAL EXAMINER:
Cheryl Brehmer

WINNEBAGO COUNTY CHIEF DEPUTY MEDICAL EXAMINER:
Nicholas Keator

NARRATIVE: Thu Aug 03 14:39:47 CDT 2023/s131dld

On the above listed date and time, I received a phone call while off duty from Sheriff Roeseler. Sheriff Roeseler advised me there had been an officer involved shooting in the City of Neenah at a gas station involving LWAM. Since LWAM is coordinated by the Department of Justice, Division of Criminal Investigation (DOJ DCI), and they had agents involved in the situation, they were requesting our agency lead the officer involved shooting investigation. Sheriff Roeseler advised me I could contact the Manitowoc County Sheriff's Office for personnel assistance, as well as the Sheboygan Police Department.

I notified the Sheriff's Department Detective group in its entirety for this investigation.

I then called Lieutenant David Remiker from the Manitowoc County Sheriff's Office and requested the assistance of two to three detectives. He advised that he and three detectives would be responding. Those Detectives were later identified as Brett Oswald, Nate Steber, and Michael Hermann. Lieutenant Remiker also brought a civilian crime scene specialist.

I then contacted Lieutenant Stelter from the Sheboygan Police Department and requested two detectives to assist. He assigned Detective Ryan Walloch and Detective Todd Danen to assist.

Sheriff Roeseler advised me in a follow up phone call, that the Wisconsin State Patrol had already been requested for their Total Station Reconstruction Unit, and that the Milwaukee Crime Laboratory was going to respond to assist in processing the scene. The Milwaukee Crime Laboratory response team was requested because Appleton is not part of their normal response area.

As this incident developed, I provided assignments. I requested Detective Sergeant Brian Judd to oversee the processing of the crime scene. He was provided Deputies Timothy LaPean and Cameron Forsythe as Evidence Technicians. He was provided Detective Hermann and the Crime Scene Specialist from the Manitowoc County Sheriff's Office. The Wisconsin State Patrol reconstruction unit was under Detective Judd's direction, as was the crime laboratory response team.

Detective Misty Nelson was assigned as the Lead Investigator. Detective Kevin Wittlinger was assigned as the Secondary Investigator.

I requested Lieutenant Remiker oversee all of the interviews. This included a number of law enforcement officers from a variety of agencies, as well as two witnesses that were associated with the gas station. Lieutenant Remiker oversaw Sheboygan Police Detectives Walloch and Danen, Manitowoc County Sheriff's Department Detectives Oswald and Steber, and Sheboygan County Sheriff Detectives Nelson and Wittlinger. There also were periods of time where there was a crime laboratory photographer along with Deputy LaPean assisting with the interview teams.

I had Sheboygan County Sheriff Detectives Wieland and Hatch assigned to the decedent's body. They were assigned to respond to Theda Clark Hospital and then arrange for the body to be secured for the night, wherever that would be, pending autopsy. I spoke both with Winnebago County Medical Examiner Cheryl Brehmer and her Chief Deputy Medical Examiner Nick Keator about arrangements associated with this movement of body, as well as suspected next-of-kin for the decedent, which was developed during the course of this investigation.

At some point, we were joined in the room by Winnebago County Deputy District Attorney Christian Gossett. There came a time when Detective Judd had a question about legal authority for both the gas station and the decedent's vehicle. I posed those questions to Deputy District Attorney Gossett, who also consulted with District Attorney Sparr outside of our presence. Deputy District Attorney

Gossett returned and advised it was his and District Attorney Sparr's opinion that the gas station could be searched on consent of the owners or lessees, who were at the Neenah Police Department and being interviewed by our officers, and that the vehicle did not need any further legal authority and could be searched. I posed a number of different questions related to the vehicle, and Deputy District Attorney Gossett said search it without needing to obtain a search warrant. I provided this information to Detective Sergeant Judd and they proceeded under those directives.

There came a point where there was a question about potential evidence within the ambulance that was used to transport the decedent from the gas station to Theda Clark Hospital. I was advised Gold Cross Ambulance had transported two or three additional patients following the decedent's transport, and the vehicle had been disinfected and the bedding changed after each of those patients. Based on that information, I did not request that ambulance be taken out of service, nor that it be held for our attempts to gather any evidence from it.

During a briefing of this incident by DCI Special Agent in Charge Jeff Wisch, this team was provided information about what had occurred. I will summarize that information in an effort to explain how this investigation proceeded.

Special Agent in Charge Wisch advised LWAM was conducting an operation with 16 officers from a number of different police agencies. That operation is documented under LWAM's Case Number 23-5932. Immediately following that LWAM operation, the officers arrived at this gas station with the intent of taking the decedent into custody for warrants. The decedent was the suspect in the operation under 23-5932 as well. These officers also had become aware during the course of the operation that the decedent had direct access to a handgun, which may even be in his possession. A team of 4 officers entered the gas station with the intent of arresting the decedent, and something occurred resulting in 2 of those 4 officers firing long guns at the decedent, and the decedent dying as a result.

The assigned investigation for our task force began when the LWAM team entered the gas station parking lot with the intent of arresting the decedent and leading through the officer involved shooting which resulted in the death of this individual.

Following this informational briefing, our task force was deployed for its assignments.

I remained in a Command assignment throughout this process, until all assignments, but the processing of the crime scene were complete. That was the first time I physically went to the crime scene and checked in with Detective Sergeant Judd. Detective Sergeant Judd advised me he did not need assistance, and explained I could leave. I left the scene and this ended my role in this assignment for that evening.

Supplement

Supplement #1 - Contact with the body (Nathan Briese)

Thu Aug 03 07:47:15 CDT 2023 s298kch

On Wednesday, August 2nd, 2023 at 5:50 p.m., I, Detective Hatch, received a text from Lieutenant Norlander indicating that there was an officer involved shooting in Neenah and that our agency was asked to assist with that investigation. Lieutenant Norlander asked that our Criminal Investigation Division all meet at the Sheboygan County Sheriff's Department. I arrived at work and ultimately, learned that the Division of Criminal Investigation (DCI), as well as the Lake Winnebago Area Meg Unit (LWAM), were involved in an officer involved shooting death case. Lieutenant Norlander did hand out assignments to our detectives, and I was ultimately assigned to go to Theda Clark Regional Medical Center, located at 130 2nd Street, Neenah, Wisconsin 54956, to document the body and maintain custody of the body until it was transported to storage.

At 6:42 p.m. I had left the Sheboygan County Sheriff's Department en route to Theda Clark Hospital. At 8:00 p.m. I did arrive on scene and saw that Detective Wieland arrived on scene as well to assist me. At 8:12 p.m. I was led by a nurse to the Trauma Room 1, where I made contact with Investigator Craig Hoffer from the Neenah Police Department, cell phone 920-209-9409 and work 920-886-6012. Investigator Hoffer told me that Neenah Police Officer Anthony Edwards followed the victim from the original crime scene to the hospital and stayed with the victim until investigator Hoffer arrived to relieve him. Investigator Hoffer told me that the victim is identified as Nathan J Briese, [REDACTED].

After getting some basic information from Investigator Hoffer, I saw that there was a white male laying on a hospital bed, which was the deceased victim, Nathan Briese. Investigator Hoffer told me that the only thing that was cleaned up in the trauma room was some of the garbages were emptied and some of the medical equipment was moved to a different room, but the rest of the room was in the same condition as his arrival.

I then photographed the body from multiple angles and noticed numerous gun shot wounds in Nathan's body. There was a large amount of blood at the back of Nathan's head, as well as the chest area. Investigator Hoffer indicated that there was a plastic bag and a manilla envelope that had clothing and property of the victim. The victim was only wearing his underwear on the table.

At 8:41 p.m. I did call the Winnebago County Sheriff's Department and requested a medical examiner come to the scene. At 9:35 p.m. Chief Deputy Medical Examiner Nick Keator, phone 920-420-5580, arrived in the trauma room and met with me. At that time, a nurse came into the room and indicated that a doctor called Nathan's time of death at 5:15 p.m. Chief Deputy Medical Examiner Keator indicated that the autopsy for Nathan would occur on Friday, August 4th, 2023, either at 9:00 a.m. or 10:30 a.m., however he would be confirming the time as soon as he knows. He also told me that the autopsy would be taking place at the City of Elkhorn Aurora Hospital in Walworth County. Chief Deputy Medical Examiner Keator contacted Larry's Livery Service Inc., of 715 East Newberry Street, Appleton, Wisconsin and phone 920-739-6289, and at 10:36 p.m. an employee from Larry's Livery Service arrived, named Matt Seidel. I was told that Larry's Livery Service was an independent contractor to the Winnebago County

Medical Examiner's Office and that Nathan would be transported by Larry's Livery Service to Larry's Livery Service Building, where they have a large cooler where Nathan could be placed until Friday.

Chief Deputy Medical Examiner Keator and a nurse placed Nathan on his stomach so photographs could be taken of his back side prior to Nathan being placed in a body bag. Chief Deputy Medical Examiner Keator did place a body bag tag after sealing Nathan in the bag. I did take a photograph of that seal and then I followed Matt Seidel to his place of business where I took another photograph of that same seal intact inside of his building. I did leave the hospital at 10:58 p.m. and arrived at Larry's Livery Service at 11:15 p.m. After I left Larry's Livery Service, I did contact Lieutenant Norlander and asked if there is anything else I could do to help, and he indicated that I could go home for the night. I will be conducting no further investigation into this matter.

End of Report.

Supplement

Supplement #2

Thu Aug 03 08:32:49 CDT 2023 - LAPEAN, TIMOTHY/S228LKW

I, Deputy LaPean, was called into the office, while off duty, in reference to an officer-involved shooting that occurred in Neenah. Upon arriving at the Sheboygan County Sheriff's Office, I met with detectives and Lieutenant (Lt.) Norlander. I was advised that this incident would be briefed at the Neenah Police Department. Deputy Forsythe and I were tasked with bringing materials for gathering evidence as we would be assisting with evidence collection. We were instructed to meet with detectives at the police department and sometime later, we arrived at Neenah Police Department.

We attended the briefing and minutes later I was directed to another briefing room, being Room 168. At this location, I met with Officer 1, who was one of the officers that was involved in the use of force incident. I learned that he only utilized his rifle during the incident. His tactical vest, rifle, and body camera were in possession of another law enforcement officer, later identified as Officer 12.

After meeting Officer 12, I was escorted into the parking lot, being on the north side of the building (main entrance), at which point Officer 12 reached into a truck and immediately pulled out the rifle and handed it to me. I did not have gloves on at the time. I held on to the stock of the rifle, and I applied a glove to the other hand. After having a gloved hand, I repositioned my hand over this rifle and grabbed onto the body camera. Another officer assisted me by holding onto the tactical vest. I was escorted into a room that was just to the west of the original "briefing room", where the initial briefing of the incident took place.

In this room, I made the rifle safe. This was done by removing the magazine and ejecting a chambered round out of the gun. The ejection port was kept open, and I took photographs of the rifle. I noted there was some small debris, kind of like a dust material, on the right side of the weapon. The firearm is a FN rifle

(AR-15/5.556/223), with serial number FNB030797. The rifle is affixed with a streamlight lighting system with a pressure switch, and Aimpoint sight. The single round (chambered) was a 5.56 Nato round/Hornaday.

After taking photographs of the rifle, tactical vest, and the body camera, I was escorted to the area that Officer 1 was at, being Room 168. I met with Officer 1 while in the presence of Detective Wittlinger and Detective Nelson. We were escorted into this "briefing room 168" and while at this location, I conducted a check of the PMag (30 round capacity) that was originally within the rifle. I took photographs of the PMag, and I removed the rifle rounds from the magazine. There were 21 rounds within the magazine, plus the one that was originally chambered in the weapon, making 22 rounds total.

During this time, I was also assisted by a state crime scene investigator/photographer, identified as Julie Avila. She took several photographs of the firearm, at which point I transitioned to the handgun which was still on Officer 1. I took the handgun from Officer 1, and it was identified with serial number BGUY131, which is a Glock handgun/9mm. I made the gun safe by ejecting the magazine and removing the round that was within the weapon. I counted 15 rounds within the magazine, with the one round that was originally chambered within the weapon. This handgun is affixed with an Olight pistol light.

Officer 1 also handed another spare magazine for the handgun that he had on him during the time of the incident. Officer 1 advised me that it would have been in his pants pocket. The magazine was for this weapon and also had 15 rounds. Photographs of the handgun were also taken by myself and the SCL photographer.

I began processing the rifle by placing the chambered round for the AR-15 in a brown paper bag. The date and time were logged (time of collection) and this was labeled item A. The remaining rounds for that PMag were also placed in another brown paper. The date and time along with item B, were marked on the bag. The rifle was placed in a cardboard box and affixed within the box with zip-ties. The two bags of ammunition were sealed inside this box.

The handgun was also placed into an evidence box, the chambered round was placed in a brown paper bag with the date and time affixed to it (listed as A), and the remaining rounds were placed into another bag with the date and time affixed to it (listed as B). These two bags were sealed inside, along with the firearm and the light.

The tactical vest was placed into a plastic garbage bag (due to the fact it had glass fragments and other material on it), and the bag it was placed into a brown paper box and sealed. This was collected on the date of 08-02-2023 at approximately 2213 hours. It should be noted the handgun was collected on 08-02-2023 at approximately 2153 hours, and the rifle on 08-02-2023 at approximately 2208 hours. Lastly, the body camera was placed into a brown paper bag, and this was later brought to Detective Wuestenhagen. I obtained this item at 2045 hours. I handed the body camera to Detective Nelson at approximately 2105 hours in reference to the interview, and retrieved it back at around 2123 hours. At approximately 2220 hours, the item was given to Detective

Wuestenhagen.

With the assistance of Captain Spence, I brought the items to unmarked squad #87. The items were placed inside the squad, and maintained within the vehicle for the entirety until being brought back to the Sheboygan County Sheriff's Office. After completing this task, I cleared from the Neenah Police Department.

I responded to the Mobil gas station, which is located at 521 S. Commercial Street in Neenah. Upon arriving on scene, I established contact with the officer that was keeping track of names for officers entering the crime scene. Due to the fact the state was still assisting at the scene and taking photographs, as well as lasering the exterior, I was forced to stand by until areas of the exterior were opened up. The first area that opened up was the area where the suspect vehicle was located at.

The suspect vehicle is identified as a Chevrolet Equinox, silver in color, bearing Illinois Fleet plate FP229238. After doing a walk-around of the vehicle, I noted there was some fresh front right-side damage (passenger side), and this damage was near the fog light. Manitowoc County employees conducted a search of the vehicle. Myself and Deputy Forsythe stood by during this time and also assisted with evidence. I first assisted by testing a white pasty substance, which was on a glass measuring cup. This item was later labeled as Item C. I field tested this item for cocaine using a Sirchie cocaine wipe. I am trained with using the test and after wiping this item, I noted there was a blue response. The blue response indicates the presence of cocaine. This item was eventually placed into a brown paper bag with the date of 08-03-23, at approximately 0143 hours.

I would also stand by during the time a backpack was retrieved from the vehicle. The backpack was laid down on a tarp, and all items were photographed and checked. There was a substantial amount of suspected drugs (possibly meth or fentanyl), as well as drug paraphernalia, to include scales. These items will have to be checked/weighed and packaged, due to the fact there was a strong wind and it was not known if the suspected drugs were meth or fentanyl. The backpack was placed into a brown paper bag, and taken in to evidence at approximately 0150 hours on the date of 08-03-23. Lastly, Item A (two receipts found within the vehicle), Item B (a knife found in vehicle), and Item D (a Potawatomi card found in vehicle) were placed into a brown paper bag and taken in to evidence at approximately 0142 hours on 08-03-23.

Later in the morning, prior to 0530 hours, I was tasked with the removal of the above mentioned suspect vehicle I brought the vehicle to the Neenah Police Department and parked it near their cage, located on the south side of the building. I locked the vehicle upon exiting and brought the keys to the officer who was currently maintaining the Crime Scene Log.

After State Patrol assisted with this matter, and the State Crime Lab finished with pictures. I entered the gas station to assess what would be needed to take the items of evidence into custody. While inside, I learned that the State Crime Lab would be also assisting with the recovery of evidence. Deputy Forsythe would later take sign off and take custody of the evidence collected by the State Crime Lab.

We responded back to the Sheboygan County Sheriff's Office and the first task was placing a T-shirt in the drying chamber, as it was covered in biomatter. Deputy Forsythe and I hung the item after placing brown paper on the bottom of the chamber to collect any materials that would fall off. The chamber was locked after being activated and the date/time was applied to a tag that was affixed to the chamber door.

The remaining items of evidence were placed into Evidence Room #5, which is located in the basement garage.

EOR

S066

Supplement

Supplement #3 - Wieland Assists

Thu Aug 03 15:28:17 CDT 2023 - WIELAND, SCOTT/s131dld

On Wednesday, August 2nd, 2023, I, Detective Scott Wieland, received a text message from Lieutenant Corey Norlander at approximately 1750 hours. We met at the Sheboygan County Sheriff's Office regarding an officer involved shooting in the City of Neenah, Winnebago County. Please see other officers reports for additional information regarding their investigation.

I was assigned to assist Detective Nathan Hatch and did so in whatever way he saw fit at Theda Clark Medical Center in Neenah. Our job was to retain the Chain of Custody of the body of Nathan J. Briese, [REDACTED], and take images prior to arrival of the Coroner. Please see Detective Hatch's report for additional information regarding our actions.

I was then directed by Lieutenant Corey Norlander to respond to the Appleton Police Department and meet with an officer that was involved. As a result, I met with Sergeant Matthew Kuether who assisted in providing me the necessary resources and individuals I needed to make contact with. This included Officer 13 who had the keys to the vehicle that still contained a rifle that Officer 2 was utilizing at the time of the shooting.

This rifle and vehicle were located in a Sally port of the Appleton Police Department. The vehicle in question is a [REDACTED], [REDACTED]. Once the vehicle was unlocked, I obtained the rifle which I would describe as an AR platform short barrel rifle made by Loyal, Model 9 Manufacturing, LLC, Serial #TBL-150584. The rifle was made safe and the number of rounds were counted to be 23 in the 30 round magazine, and 1 round in the chamber.

I then met with Officer 2, who still had possession of his handgun, which is a Glock Model 45, 9 millimeter, Serial #BYRU398. Once again, I made the weapon safe and counted 17 rounds in the 17 round magazine, and there was one round in the chamber.

I then took images of Officer 2 who was still wearing the same clothing he would have been wearing during the time of the shooting. Images of all of the evidence

I obtained was placed into digital evidence and the physical evidence was placed into an evidence locker(s) at the Sheboygan County Sheriff's Office and are available for review.

On Thursday, August 3rd, 2023, the evidence was placed into Evidentiary lockers at the Sheboygan County Sheriff's Office. Later that morning, I met with Evidence Technicians Timothy LaPean and Cameron Forsythe. They inquired about the red stained shirt and how to go about utilizing the Drying Cabinet. I gave them guidance, as well as obtained the key for them at approximately 0822 hours. The Drying Cabinet was left running and would need to run for 24 hours or more. As a result, I provided the key to Property Officer Kelly Lackey at approximately 0820 hours, as I was scheduled for vacation on the following day.

Supplement

Supplement #4 - EVIDENCE TECHNICIAN FORSYTHE / S129

CONTACT:

Manitowoc County Sheriff's Office (MCSO)
Detective Michael Herrmann
Criminal Support Specialist Jessica Trzebiatowski

CONTACT:

Milwaukee Crime Laboratory
Christopher Johnson
Natalie Fischer

On 08/02/2023, I, Deputy Forsythe, was dispatched as an Evidence Technician, to assist with an Officer involved shooting in Neenah, WI. Deputy LaPean and I drove to the Neenah Police Department (PD) where we were briefed on the incident and given direction from Lieutenant Norlander.

I was tasked with going to the scene at 521 S Commerce Street, which was a Mobil gas station, and collect evidence. I met with other units on scene and checked in with the scene security Officer from Neenah PD, to enter the crime scene, which spanned the entirety of the Mobil parking lot, as well as the Mobil building.

While on scene, I stood by as photos were taken and once the exterior was documented, I was advised to assist Manitowoc County Sheriff's Office (MCSO) in processing the decedent's vehicle. The vehicle, operated by the victim, was a silver, 2022 Chevrolet Equinox bearing Illinois Registration FP229238. As MCSO units searched the vehicle, I was asked to document evidence which would later be processed.

The following items were located on 08/03/2023, by MCSO units within the decedent's vehicle:

- 2 receipts, which had identifiers for the decedent, were located within the driver's door. One receipt was in the handle pocket of the door and the other receipt was located in the lower pocket, in a cup holder. Both receipts were located at 00:00 hours.

- Green folding knife was located in the center console between the driver's seat and the front passenger seat at 00:05 hours.
- Glass measuring cup with suspected narcotic residue was located on the rear passenger seat, at 00:10 hours.
- Identifier for the decedent, a Fire Keeper's Club Card (Potawatomi Casino), located beneath a soda bottle in the front passenger door's lower pocket, inside a cup holder at 00:10 hours.
- Vehicle registration was located in the glove box which showed ownership to EAN Holdings at 00:25 hours.
- Black and gray Reebok backpack was located on the front passenger seat at 00:30 hours.

No further evidence related items were located within the vehicle.

The backpack with its contents, was brought from the vehicle to the overhang near the gas pumps to be laid out, documented, and photographed. The contents of the black and gray Reebok backpack are as follows.

FRONT POCKET (facing backpack):

- Air pressure gauge interior contents (number stick for PSI)
- Clear plastic dime bag with white crystalline substance, suspected to be narcotics
- Rubber bands.

MIDDLE POCKET (facing backpack):

- Paperwork to a Toyota Camry
- Multi-colored handheld torch device
- White/brown hand-held torch device
- Packaged syringe
- Old Spice deodorant
- Rubber bands
- Clear Dime baggies (empty)
- Silver hand-held torch device
- Three glass pipe smoking devices with suspected narcotic residue.

INTERIOR MIDDLE POCKET DIVIDED (Left, facing backpack):

- Three clear plastic bags with white powdery substance, suspected to be narcotics
- Clear plastic dime bag with white crystalline substance, suspected to be narcotics.

INTERIOR MIDDLE POCKET DIVIDED (Right, facing backpack):

- Empty clear plastic dime bags
- Empty plastic bags.

LARGE COMPARTMENT (facing backpack):

- Taylor brand scale inside box
- Blue hand-held torch device
- Sandwich box/bags, clear
- Black/purple Truweigh brand scale with suspected narcotic residue
- Black hand-held torch device
- Two clear plastic tie-offs
- Three Capital Credit Union receipts (identifiers of decedent)
- Cobble Stone Hotel receipt (Name of Amanda West)
- Red Bic lighter
- USB Charger, black in color
- Two black plastic spoons
- Handwritten note (to Amanda West)
- Gray socks (pair)
- Black/silver tooth brush
- Crest brand tooth paste
- Black back brace
- Plastic Walmart bag inside a Pick n' Save plastic bag, inside of a plastic Walmart bag, which contained a clear plastic bag of a white crystalline substance suspected to be narcotics.

INTERIOR LARGE POCKET (facing backpack):

- Four Apple Air Tags
- One clear plastic sandwich bag
- One clear plastic bag tie-off
- Blue rubber band
- Clear plastic bag with intact bullets (9mm Luger ammunition)
- Clear plastic baggie containing various colored and designed dime bags.

RIGHT EXTERIOR POCKET (facing backpack):

- Pure life water bottle with water
- ASP hand cuff key.

LEFT EXTERIOR POCKET (facing backpack):

- Dr. Pepper Strawberries nⁱ Cream soda with liquid
- Two rubber bands
- Clear glass pipe smoking device with suspected narcotic residue.

All contents from the backpack were returned to their original pocket which will be processed later. All evidence items collected within the decedent's vehicle were given letters for identification, which are as follows:

- A - Two identifiers on receipts, collected at 01:42 hours
- B - Green Folding knife, collected at 01:42 hours
- C - Glass measuring cup with positive field-tested narcotic residue, collected at 01:43 hours
- D - One Potawatomi card with identifier, collected at 01:42 hours
- E - Registration of Illinois FP229238 (photo only, by Crime Lab)
- F - Black and Gray Reebok backpack with multiple contents, collected at 01:50 hours.

All evidence was transferred to me after being collected by MCSO and photographed by the Crime Laboratory. I placed the evidence in Squad #87, which was secured at all times, and within eyesight.

I then stood by as the Crime Laboratory photographed, collected, and processed the building portion of the scene.

Once the evidence was collected and packaged, I took custody of all 28 items

which were again placed in Squad #87 and secured. I was also given a carbon copy of the collected items which will be attached to the report. I was advised that all evidence was collected and could be returned to the Sheboygan County Sheriff's Department for storage.

Deputy LaPean and I returned to the Sheboygan County Sheriff's Department with the property. We were advised by the Crime Laboratory to take the iPhone, which was placed in Airplane mode on scene and labeled Item #16, and put it on a charger. The phone was placed in an anti-static bag with the charger, packaged, and placed into Temporary Locker #5 for download at a later time.

Evidence labeled Item #9 from the Crime Laboratory, a cut gray shirt with blood and embedded bullet fragments, was placed in the clean, contained, drying rack, with the bags in which the shirt was contained and transported in. The shirt was sealed into the drying rack which was locked. The key was then given to Detective Wieland, to later be given to Property Officer Lackey. The remainder of seized evidence was placed in the garage secured evidence cage for temporary storage.

All evidence will be processed, photographed, and tested, at another time. I took no other action other than taking custody of evidence on scene and securing it in Squad #87, then transporting it back to the Sheboygan County Sheriff's Department for storage.

Proofed s131/dld 08-04-23

Supplement

Supplement #5

Mon Aug 07 13:47:28 CDT 2023 - LAPEAN, TIMOTHY/s131dld

On 08-04-23 I, Deputy LaPean, met with Property Officer Lackey in reference to the items of evidence from this incident. The items of evidence were obtained from Evidence Room #5 at approximately 1330 hours. These items were later placed into Evidence Room #1 on 08-04-23 at approximately 1710 hours. After obtaining the items and bringing them into the Evidence Room, I began to log the items.

I started with the rifle, which was still within the box. The FN AR-15 rifle with Serial #FNB030797 was still within the box. Also present were the following items, stream light with pressure switch; single sling; PMAG (30 round magazine); bag (labeled "A") with one chambered round 556 Nato/Hornady; and Bag "B" containing 21 rounds of the 5.56 Nato/Hornady. After concluding all items were within the box, I sealed the box with evidence tape and affixed the evidence tag to the box.

I transitioned to the black Glock handgun/9 millimeter (mm) with Serial #BGUY131, that contained a Valkyrie PL-2 Olight, and a black magazine. Also present was a bag labeled "A" that had the chambered round of a Hornady 9mm, and Bag "B" that contained 15 rounds of Hornady 9mm. After confirming everything was within the box, I sealed the box with Evidence Tape and affixed the Evidence Tag to the box.

I obtained a brown paper bag that was listed with items located within the Chevy

Equinox bearing Illinois License Plate FFP229238. Inside this bag was a casino card, originally located beneath a soda bottle, via the front passenger side door cupholder, at approximately 0020 hours. There were two paper receipts, located via the driver's side door pockets at approximately midnight. The last items inside was a gray folding knife, located within the center console, at approximately 0005 hours. The items of evidence were taken from this brown paper bag, heat-sealed into a plastic bag, and daisy-chained together. An Evidence Tag was affixed to it after initialing the bag.

Also processed was a glass measuring cup with a handle (1-Cup/250 ML). The glass measuring cup was originally tested at the scene and was noted to have the presence of cocaine. This item was still within a brown paper bag, after confirming that it was still inside, I sealed the bag and placed an Evidence Tag on it.

I proceeded to a bag that contained a Glock magazine, which was originally handed to me by Officer 1. This Glock magazine was emptied and the ammunition was also placed within the same bag. There were 15 rounds of Hornady ammunition within this bag, as well as the Glock magazine with numbers 1594-01. After confirming everything was within the bag, the bag was sealed with Evidence Tape and an Evidence Tag was affixed to it.

Lastly, the tactical vest worn by Officer 1 was removed from the box and removed partially from the bag (with the bag still underneath it). As everything from the vest was not inventoried, I took the time to handle this matter. The tactical vest which bears "SHERIFF" on the front and back, contains two trauma plates. The mag pouches which are in the front chest area, are double mag pouches for two rifle and two pistol. There was one rifle mag missing from one of the pouches, being the left pouch, and the right pouch still had a magazine. This magazine was a PMAG, black in color, and contained 28 rounds of Hornady 5.56 Nato. After counting the rounds, they were placed back inside the PMAG and placed back inside the right pouch.

The pistol pouches, which are directly in front of the rifle magazine pouches, were addressed next. The left mag pouch contained a Glock mag with 16 rounds of Hornady 9mm ammunition. The right mag being a KCI USA mag contained 17 rounds of Hornady 9mm ammunition. Both mags are capable of holding 17 rounds.

Also on the tactical vest was a Blackhawk holster, with a yellow taser that contains 2 cartridges (one on the rear of the battery and one in the front). On the right side of the vest (right strap) is a tourniquet. On the chest (nearest the left pectoral region) was a body camera mount with no body camera. Also noted within the right rifle mag pouch was a long stemmed handcuff key. Lastly, on the left side (left strap) of the vest is a IFAK (Individual First Aid Kit). The IFAK contains emergency medical equipment and the following items were within the kit: 1 emergency bandage; 1 QuikClot Z-fold gauze; 1 tourniquet; 1 scissors; 1 Hyfin chest seal; 1 first aid card (instructions); 1 black marker; and 1 pair of gloves. The tactical vest and all items mentioned above were placed back inside the black plastic bag, which was sealed with Evidence Tape and placed back inside the brown box. This item was sealed with Evidence Tape and an Evidence Tag was affixed to it. The beginning time for processing this

box was approximately 4:10 PM.

All items of evidence were placed inside Evidence Room #1 at approximately 0710 hours. It should be noted, that Sergeant Bethke and myself both fobbed in and I signed off on the clipboard. After the items were placed inside Evidence Room #1, I closed the door and confirmed that it was locked.

Supplement

Supplement #6 - Video Collection

On Wednesday, August 2nd, 2023, at approximately 1800 hrs I, Detective Wuestenhagen, responded from my residence to the Neenah Police Department to assist with an officer involved shooting. Lt. Norlander asked I respond to the office and then go to Neenah. I gathered my equipment at the department and went directly to the police department. My assignment was to collect video evidence if it exists at the scene.

I arrived at the Neenah Police Department at approximately 19:40 hrs. I contacted personnel there and was directed to a meeting room. I remained there until the investigation team was assembled and we were briefed on the situation. I left the meeting and went to the scene at 521 S. Commercial St. Neenah.

The scene was a Mobil Gas Station. The scene was barricaded off and other law enforcement personnel were there. I met with Sgt. Judd and learned more about the scene. I checked into the crime scene log with the Neenah officer that was recording that information. I discovered that there likely would be video of the incident, however the scene needed to be photographed and processed prior to looking at the video system. The crime lab was on the way to photograph the scene and assist with evidence collection.

I was also asked to collect body cameras for download. At about 2220 hrs. I received a Motorola body camera from Deputy LaPean. The camera was packaged in a bag. I later found that the camera belonged to Officer 1 from the Outagamie County Sheriff's Office. The camera was kept in my locked patrol vehicle until it was downloaded at the Outagamie County Sheriff's Office on August 3rd.

I also responded to the police department two other times to collect body cameras from officers. I met with Officer 8 at about 2240 hrs and received an Axon body camera from him. At approximately 2325 hrs I received another Axon body camera from Officer 5. Officer 5 also took some photographs with his department phone using the Axon evidence app. He uploaded the 9 photos and 1 video while I was with him. The photos/video were of the scene right after the shooting took place. Those cameras were kept in my locked patrol vehicle until I was able to have them downloaded on August 3rd at the Appleton Police Department.

I stood by at the scene while the crime lab processed the location. Once the area around where the body was previously located inside was processed, I was able to gain entry to the office area of the building. I was also told that consent from the building owner was given for us to access the video system. The owner provided the code to access the NVR. The code is that of the letter "C" on the onscreen draw pattern.

Once in the office area, I found it to be more of a small storage closet. The room is triangular in shape and the video system is mounted to the far wall. I photographed the system along with info on the NVR. The NVR was unbranded but had the model number EC8316 labeled on the bottom. There was another old non-functioning NVR below the one in use.

I looked at the time displayed on the NVR monitor. It showed 08/03/23 at 01:59 hrs. The date and time were correct with what the actual date/time were. I was able to collect video from 12 of the 16 cameras. Two of the cameras didn't work and two I could not download but they didn't appear to contain anything of evidentiary value. Of the cameras in the building, three cameras record the shooting and events leading up to the shooting. Some of the cameras are very poor quality and are suffering from some type of defect or malfunction. I downloaded the interior videos from approximately 16:20 hrs through 17:26 hrs and the outside cameras from 15:30 hrs through 17:26 hrs. The incident took place at approximately 16:44 hrs.

I saved the video onto a USB drive and transferred it to the evidence drive at the Sheriffs Office. I reviewed the video at the office and found the following:

Camera 1 - Above the counter, Camera 2 - Front Door, Camera 3 - Behind the counter (Poor quality), Camera 4 non-working, Camera 5 - Back room, Camera 6 - South Wall by coolers, Camera 7 - Main door looking west toward the coolers, Camera 8 - Towards cooler washed out (Poor quality), Camera 9 - One pump outside, Camera 10 - Main pumps, Camera 11 - 1 pump Tyler st, Camera 12 - Front door washed out (Poor Quality), Camera 13 - center of store (Poor Quality), Cameras 14 - Not working, Camera 15 - Back room (No DL), Camera 16 Outside NE (No DL).

The views of the incident took place on cameras 2, 6, and 7 were the most detailed. In the videos, Nathan enters the store at about 16:43:21. He is the only customer in the store. An employee is placing items into a cooler on the west side of the building and returns to the counter when he enters. She greets him at the counter and he appears to ask for two glass pipes. The clerk selects two pipes from behind the counter and he appears to ask where the chore boy is. She directs him to a shelf across from the counter. The Chore Boy is selected at 16:43:45. He throws the Chore Boy on the counter and pays for the 3 items with money he had in his wallet. He also takes some change from the penny jar. As he is removing change from the change container he briefly looks to his left out towards the front door. At 16:43:58 Nathan looks a second time and notices the arrest team enter through the front door. Nathan immediately runs west towards the coolers. While running he reaches into his left pocket and removes a cell phone that falls to the floor at 16:44:01. Nathan spins counter clockwise and uses his left hand to lift up the front of his shirt. At 16:44:02 Nathan produces a handgun from his waistband holding it in his right hand. At this point Officer 1 is closing in on Nathan with his rifle at high ready and is only a few feet away from Nathan. Nathan dives to his left towards the north west corner. As he is diving he appears to be trying to rack the slide with his left hand. At about the same time as Nathan starts to dive he is still facing Officer 1 with his hand holding the gun. Officer 1 fires at Nathan, misses

and the glass shatters behind Nathan at 16:44:02. As Nathan dives to the ground, Officer 1 continues to advance. Officer 1 turns the corner and continues to engage at 16:44:04. At then same time Officer 2 splits off and attempts to go around the shelving to the north. Officer 2 also appears to engage Nathan but that view is obstructed by things in the way. At about 16:44:05 what appears to be Nathan's gun slides on the floor and hits Officer 1 in the right foot. Officer 1 does not appear to look at the gun and then disengages at 16:44:06. He regroups with Officer 2 on the north side. Other officers are also entering the store but they do not engage Nathan and appear to clear the rest of the store of employees and start medical care. The amount of time that transpired from when the arrest team entered the store to when Nathan was shot was about 8 seconds or less.

After collecting the video from the business, I cleared from the scene.

Supplement

Supplement #7 - Body cam download

On Thursday, August 3rd, 2023, I, Detective Wuestenhagen, made contact with Lt. Neff at the Appleton Police Department. I gave him the body cameras from Officers 5 and 8. I watched as both cameras were docked and downloaded to the server. Nicole DelPlaine from Appleton PD also assisted with downloading the video from the server to a USB drive for me. I received copies of both videos along with the digital photos that Officer 5 took at the scene. I also received 2 other recently discovered body camera downloads. One video was from Captain Mike Wallace from the Appleton Police Department. Captain Wallace had a 1 min 13 second unintentional activation. He was already on scene after the incident took place and there is no evidentiary value. The other video was from Officer 13. Officer 13 was unaware that his camera was active and he was a companion officer for Officer 2. Appleton PD retained the cameras after the downloads.

After Appleton PD, I went to the Outagamie County Sheriff's Office. I met with Sgt. Nathan Dahm and provided him with the body camera for Officer 1. I watched as he downloaded the camera onto the network. I stood by with him while he retrieved the footage from the server. He provided me with a copy of the body camera footage from the incident.

Supplement

Supplement #8 - Autopsy

On Friday, August 4th, 2023, at 0730 hrs I, Detective Wuestenhagen, met Matt Seidl from Larry's Livery Service at their facility in Appleton. Nathan's body was taken to their storage facility after the hospital. I followed Matt with Nathan's body to Elkhorn for the Autopsy. I attended the autopsy of Nathan J Briese. The autopsy was conducted at the Walworth County Medical Examiners office at the Aurora Lakeland Medical Center at 1770 County Road NN, Elkhorn, WI 53121. The autopsy was conducted by Brian Peterson, MD. The autopsy started at 0930 hrs and ended at approximately 1200 hrs. At the autopsy, I took Nathan's underwear as evidence. I also collected a bullet that was recovered from his body. I received copies of the DNA card and fingerprint card from the ME. All items were later deposited into evidence at the Sheriff's Office. I took photos

and those were added to the digital evidence folder. A copy of the report from Dr. Peterson was received on Monday, August 7th, 2023 via email from Deputy Medical Examiner McKenzie Repinski from the Winnebago County Medical Examiner's Office. Dr. Peterson listed the cause of death as being, Multiple (4) gunshot wounds of the head, torso, and extremity. A copy of the report was added to the case file by Sgt. Judd.

Supplement

Supplement #9 - Body camera review/summary

On Monday, August 7th, 2023, I, Detective Wuestenhagen, reviewed the video from the body cameras. A summary of the video on the cameras is as follows:

Appleton PD Wallace - 1 min 13 seconds of him showing up on scene and walking towards the crime scene tape. Video ends.

Officer 8 - 8 min 18 seconds. After the shooting he is with other officers in the gas station. He approaches Nathan and starts to render medical aid. The video ends before Nathan is placed on the stretcher.

Officer 13- 18 min 27 seconds. He is the companion officer for Officer 2. They stand by at the business north of the gas station. They later drive to Neenah PD and the video ends there.

Officer 5 - 9 photos and 1 video of the scene right after the shooting. The pictures and video are of the gun that Nathan Briese had along with his phone and keys on the floor next to his body. The body camera footage is 6 min and 20 seconds. The footage starts after the shooting but before they approach Nathan on the ground. Officer 5 is standing by the other officers but then flanks Nathan down another aisle in the store and covers him. Other officers are deciding how to approach Nathan and once that happens EMS arrives. Video ends shortly after that. There is one more 18 second inadvertent camera activation while he was outside.

Officer 1 - 2 min 5 seconds. Officer 1 exits a vehicle outside of the gas station. He proceeds towards the front door with his rifle at low ready. He enters the business and immediately bring his rifle to high ready and points it at Nathan. He yells, "Nathan Briese" and tells him to get on the ground. Nathan retreats towards the coolers and can be seen drawing his gun from his waistline. At about the same time shots are fired by Officer 1 but appear to miss Nathan and strike the beverage cooler right behind him. Nathan goes out of frame to his left behind a shelf and can't be seen. Officer 1 follows Nathan and engages him further after he turns the corner.

Supplement

Supplement #10 - Packaged clothing evidence

Mon Aug 07 15:24:51 CDT 2023 - HATCH, NATHAN/s131dld

On Monday, August 7th, 2023, at approximately 1:30 PM, I, Detective Hatch, took the shirt that was drying in the Evidence Dryer. I then placed the shirt into a new Evidence bag and sealed the bag. I placed this Evidence bag into Evidence. The only item of evidence I found in the dryer was a shirt that was bloody.

I will be conducting no further investigation into this matter.

Supplement

Supplement #11

On Wednesday, August 2nd, 2023, I, Detective Misty Nelson received a text message from Lieutenant Corey Norlander at approximately 1750 hours to meet at the Sheboygan Co Sheriff's Office regarding an officer involved shooting our agency would be investigating.

Upon arrival at the Sheriff's Office, I learned that the Lake Winnebago Area Meg Unit (LWAM) and Wisconsin Division of Criminal Investigation Unit (DCI) officers had been involved in an officer involved shooting which resulted in a death. I was ultimately assigned as the lead detective, along with Detective Kevin Wittlinger as my co-lead in this case. We were informed that we would be assisted by Manitowoc Co Sheriff's Office detectives, as well as two detectives from the Sheboygan Police Department. Detective Sergeant Brian Judd had been assigned as the Officer in Charge (OIC) at the crime scene, later identified as Mobile Gas Station located at 521 S Commercial St, Neenah, WI and my point of contact. Other members of our Criminal Investigation Division were assigned roles by Lt. Norlander.

Detective Wittlinger and I arrived at the Neenah Pd and attended a briefing by DCI Special Agent Jeff Wisch and learned the following information. During an operation being conducted by LWAM, which involved 16 officers from several different agencies, they had attempted to affect an arrest on Nathan J Briese, [REDACTED] on outstanding warrants. This occurred at the Mobil gas station located at 521 S. Commercial St, Neenah, WI. During the course of the operation, officers had acquired intel that Briese was in possession of a handgun. As the arrest team officers entered the gas station to arrest Briese, an incident occurred causing two of the four officers to fire their weapons at Briese with Briese ultimately dying as a result. There had been two citizens inside the gas station at the time of the incident, identified as Store Lessee 2 and [REDACTED] Store Lessee 1 [REDACTED]. During the incident, Store Lessee 2 had been in the restroom and Store Lessee 1 had been behind the counter. They were not injured during this incident and were removed to safety by officers.

The 4 officers that entered the gas station as the arrest team were identified as:

Officer 1, Outagamie County Sheriff's Office working with LWAM as a Drug Investigator. Officer 1 had utilized his rifle during the incident.

Officer 2, Appleton Police Department working with LWAM as a Drug Investigator. Officer 2 had utilized his rifle during the incident.

Officer 3, Department of Criminal Investigations (DCI) working as a Special Agent with LWAM. Officer 3 did not utilize his firearm during the incident.

Officer 4, New London Police Department working with LWAM as a Drug Investigator. Officer 4 did not utilize his firearm during the incident.

All 16 officers that had been a part of this operation were waiting in a near by conference room to be interviewed by detectives. The list of the officers and departments they are employed by are as follows:

Officer 6, Fond du Lac Co Sheriff's Office- LWAM
Officer 16, Oshkosh Police Department- LWAM
Officer 13, Appleton Police Department
Officer 10, Fox Crossing Police Department- LWAM
Officer 11, Grand Chute Police Department- LWAM
Officer 12, Department of Criminal Investigations
Officer 8, Appleton Police Department- US Marshall Task Force Officer
Officer 9, Appleton Police Department
Officer 15, Calumet Co Sheriff's Office- LWAM
Officer 14, Kaukauna Police Department- LWAM
Officer 5, Appleton Police Department
Officer 7, Fond du Lac Police Department-LWAM

Lieutenant Dave Remiker from the Manitowoc County Sheriff's Office assigned the other assisting detectives to conduct officer interviews of the 12 officers that were not part of the arrest team. Detective Wittlinger and I learned that Officer 1 was waiting at the Neenah PD and Officer 2 was waiting at the Appleton PD for our arrival.

Detective Wittlinger and I made contact with Officer 1 who had been waiting with a companion officer and members of the administration from Outagamie Co Sheriff's Office. We introduced ourselves and talked about our next steps. Refer to Detective Wittlinger's report for further information regarding our contact with Officer 1. Detective Wittlinger had contact with Officer 2 WPPA Business Agent, Thomas Schrank where it was ultimately decided he would not be participating in a scene overview on this date.

We then met with Officer 3 and Officer 4. They both agreed to return to the scene and assist with a scene overview. Wisconsin State Crime Lab photographer took photographs of both Officer 3 and Officer 4. Officer 3 did not have his vest with him as it was left in his vehicle at the scene. It was explained to them that this was not a detailed version of the incident but a brief overview of what their role was and what they did during the incident. The focus was to identify where evidence would be found. Detective Wittlinger and I drove Officer 3 and Officer 4 back to the scene where they conducted their overview one at a time. Neither of these were recorded.

OFFICER 4:

Officer 4 started his scene overview at approximately 2309 hours. There was crime scene tape around the entire perimeter of the gas station. I explained to Officer 4 that he could start his overview from the time they had pulled into the parking lot of the gas station and then what happened from that point. We entered the scene under the tape from the east side of the parking lot, looking straight on at the front door of the gas station. There were many different vehicles parked near the pumps and around the parking lot. Officer 4 pointed out a brown colored Ford F150 truck parked parallel to the front

doors. He said this was the vehicle he had arrived in with Officer 3 as the driver. He said his position in the vehicle had been the rear driver's side. As the vehicle stopped, all four exited the vehicle to enter the gas station and arrest Nathan Briese. We walked up to the glass door and just into the threshold but no further than that to assure we didn't disturb any evidence. He said he was the 4th officer through the door with Officer 1 and Officer 2 up front and Officer 3 was to his right. As he entered through the door he could hear commands being given to the suspect as they were moving towards the back wall of coolers. Officer 4 said he lost visual of the suspect as he went to the right. Officer 4 said he never made it past the Little Debbie stand that was located at the end of the middle aisle. He said he had his handgun out of the holster during the incident but never fired it. He said Officer 3 told him to get the woman out from behind the counter so he holstered his handgun and escorted her out of the store. I asked if he had any questions and he did not. I let him know that I would be making arrangements to meet with him for a formal interview in the near future.

OFFICER 3:

I then met with Officer 3 for his scene overview at approximately 2314 hours. The same procedure was followed as was with Officer 4. Starting from the same location within the parking lot, Officer 3 pointed out the brown Ford F150 truck as the vehicle he was driving. He said he parked at this location due to another vehicle being parked directly in front of the doors. He said as he parked the truck, Officer 1 had been in the front passenger seat and exited immediately. Officer 3 said he was 3rd through the door. Prior to entering the gas station, he did see Officer 1 open the door and enter with Officer 2 behind him. Officer 3 observed a set of legs running with Officer 1 and Officer 2 running behind towards the back cooler wall while yelling commands. He could see through Officer 1 and Officer 2 bodies that the subject lifted up the front of their shirt with one hand and the other hand was near their waistband when there were shots fired. He didn't know who shot or where the shots had gone at that time. He called over the radio that shots were fired. The shooting had stopped and he looked to his right, seeing a man looking out of the bathroom door. He went to address the man and then told Officer 4 to get the woman out from behind the counter. He walked the man outside and then went back inside to assist. Someone rendering aid asked for a chest seal. He dug through the med kit on the floor but didn't find one so he took one out of his own leg rig and handed it to the officer. He said he was in possession of his handgun during the incident but did not fire it at any time. We informed the WI State Crime Lab personnel that Officer 3 had his rifle and body armor within his vehicle at the scene. They agreed to photograph those items and do a round count for the rifle. When we were completed and Officer 3 had no further questions, we arranged to meet for a formal interview on Friday, August 4th, 2023.

Detective Wittlinger and I drove Officer 3 and Officer 4 back to NeenahPD. Lt. Norlander met with Officer 3 and Officer 4 in regard to seizing their handguns. It was explained to them that due to the early stages of the investigation, we needed to take possession of the firearms they had on their person while inside the gas station. Once replacement firearms were available for them we proceeded. Officer 3 handed me his handgun, identified as a Glock 9MM, serial #BENE664 with one magazine and 7 9MM rounds. WI State Crime

Lab photographer took photos prior to the firearm being packaged. Officer 4 provided his handgun to Detective Wittlinger for the same process.

Both handguns were transported back to the Sheboygan Co Sheriff's Office and placed into an evidence locker.

Follow up to come.

EOR31

Supplement

Supplement #12

Tue Aug 08 09:16:36 CDT 2023 - LAPEAN, TIMOTHY/s131dld

I, Deputy LaPean, met with Property Officer Lackey in reference to the last item of evidence, which is Reebok backpack recovered from the gas station parking lot, more specifically inside a Chevy SUV with Illinois License Plate FP229238. This item was inventoried by Manitowoc County Sheriff's Office (Detective and Property Officer), in conjunction with myself and Deputy Forsythe standing by to assist with the log. Please see Deputy Forsythe's report for further information regarding this Reebok backpack.

I obtained the Reebok backpack from Property Officer Lackey at approximately 1345 hours on 08-07-2023, and this item was immediately brought into the Processing room. At this location, I opened the backpack and removed the following items which are considered drug paraphernalia. The items were photographed and placed inside a brown paper bag sealed at approximately 1515 hours, and an Evidence Tag was affixed to it.

The following is a list of items that were placed inside the sealed brown paper bag.

- Black scale
- 44 small sized zip-lock bags with cartoon characters
- 95 Barbie bags (clear)
- 2 Black spoons
- 2 White plastic air gauge measuring sticks (sticks were removed from the air gauge housing)
- 5 Glass straight pipes
- 1 Dosage syringe (still within packaging)
- 1 Box of sandwich bags (unknown count of sandwich bags and tie-offs)
- 1 Taylor kitchen scale
- 1 Bag of an unknown count of rubberbands

- Single receipt from Walmart
- 3 Walmart bags

Also taken from the Reebok backpack was a plastic bag of 9mm ammunition. There were 28 rounds of ammunition for 9mm located within the backpack. The plastic bag containing the items within the backpack was opened, the rounds were analyzed, photographed, and placed into a heat-sealed bag, with the bag being sealed at approximately 1620 hours, and an Evidence Tag was affixed. The following is a list of the types of ammunition located within the plastic bag.

- 1 S&B gold tip full metal jacket
- 2 Frontier - hollow points
- 25 PMC - full metal jacket

While analyzing the 3 Walmart bags located within the backpack, I located two zip-lock bags containing mushrooms. I conducted a Narco Pouch test for psilocybin. The small amount of mushroom was placed inside the Narco Pouch test, the ampule was broken as instructed, and I obtained no coloring. As of this point, it is not known if this is an actual drug related item, or if it is something else. The two bags were weighed, with a weight of 15.7 grams (with packaging) and placed inside a heat-sealed bag. The heat-sealed bag along with the Evidence Tag had a total package weight of 35.49 grams. The items were bag at approximately 1420 hours.

Also located within the backpack was Methamphetamine. There was a sandwich bag (tied-off), along with a Barbie bag (small zip-lock), that were placed on a scale and weighed together. I obtained a weight of 33.08 grams. The items were tested with a Narco Pouch test and both tests (for each packaged item) showed a positive test result for Methamphetamine. The two bags were placed inside a heat-sealed bag and sealed at approximately 1442 hours, and an Evidence Tag was affixed. I placed the evidence with the Evidence Tag on the scale and obtained a total package weight of 48.48 grams.

The last item of suspected drugs were noted to be in three bags. One Barbie bag contained what was presumed to be Crack Cocaine, and two sandwich bags (tops torn off) contained a chunky, but powdery substance. I tested all three items with a Narco Pouch test for Cocaine, and each test showed a positive result for Cocaine (pink over blue separated response). The three items of Cocaine were placed on a scale and with packaging had a combined weight of 38.80 grams. The three bags were placed inside a heat-sealed bag, with the bag being sealed at approximately 1430 hours with an Evidence Tag affixed. The heat-sealed bag was then placed on a scale to get at total package weight of 54.93 grams.

Lastly, there were butane torches that were removed from the Reebok backpack, photographed, and destroyed, due to the fact they are a hazard to be held as Evidence. Photographs were taken of the right and left sides of the items, and again, once the photographs were taken off all items, they were placed into the

trash. Again, these items were taken out of the black Reebok backpack.

After all items of evidence were processed and Evidence Tags affixed, I placed them inside Evidence Room #1 with the assistance of Sergeant Bethke (to control entry). I signed off on the log, noting the date and time of entry being 1635 hours and time of exit being 1640 hours. All items were placed on a cart that was designated for this incident.

Supplement

Supplement #13

Tue Aug 08 10:06:37 CDT 2023 - NORLANDER, COREY/sl31dld

On Tuesday, August 8, 2023, I, Lieutenant Corey Norlander, compiled information related to the decedent, Nathan Briese. This information included the warrants that were in place at the time of this incident, as well as his criminal history which does show him to be a convicted felon, which subsequently prohibits him from possessing a firearm.

In the course of Briese's death, agencies moved to have the warrants vacated and removed from NCIC. As a result, I received the teletypes (TTY) that were sent to our agency about this information to be able to document the warrants that were in place at the time of this incident. The documents I am referring to in this section are added to the records for this complaint.

The first page chronologically was received on 08-03-23 by our agency from the Winnebago County Sheriff's Office. The Winnebago County 911 Center was requesting confirmation of Briese's death because Neenah Police Department would not confirm that based on this being our investigation. The fourth page chronologically is that confirmation, that the subject is deceased.

Pages 2 and 3 of the packet, however, are the two Warrants that were ultimately vacated. The first was a Felony Warrant for Failure to Appear on a fraud charge through the Winnebago County Sheriff's Office. This warrant was issued on 06-20-2023 under Court Case #23CF314. The second Warrant was also through Winnebago County Sheriff's Office for Failure to Appear on a burglary charge, with that warrant being issued on 06-12-2023 under Court Case #23CF174. Both warrants were valid and Active at the time this incident occurred.

I then asked Dispatch to run a full Criminal History on Briese. I will review the entire Criminal History in this report.

The earliest criminal arrest listed is on 01-01-2003, when Briese would have been 17 years of age. At that point, he was arrested for theft of movable property, a misdemeanor; criminal damage to property, a misdemeanor; and resisting or obstructing an officer, a misdemeanor. Briese was convicted of all three charges on 05-05-2003. In the conviction area, I see an additional count of resisting or obstructing an officer, misdemeanor, which Briese was convicted of on 04-20-2004. The Criminal History also shows 7 additional Counts of criminal damage to property, misdemeanor, which were dismissed but read in on 05-05-2003. This incident was all through the Green Lake County Sheriff's Office and through the Green Lake County Circuit Court.

The next arrest I see occurs on 03-13-2004 by the Dodge County Sheriff's Office for possession of drug paraphernalia with an enhancer of habitual criminality, as a misdemeanor charge. This shows an amendment to these charges on 07-02-2004, with a conviction of possession of drug paraphernalia, misdemeanor. It would appear the habitual criminality was dropped.

The next criminal arrest occurs on 03-05-2006 by the Green Lake County Sheriff's Office. Briese is arrested for battery, domestic abuse related, a misdemeanor; and disorderly conduct, domestic abuse related, a misdemeanor. Disposition for this case occurs on 02-26-2007, when a conviction occurs for the battery with habitual criminality as a misdemeanor, the disorderly conduct with habitual criminality showing dismissed, but read in, and a third count of child abuse-intentionally causing harm with habitual criminality, showing amended by the prosecutor.

The next criminal arrest occurs on 04-03-2006 by the Green Lake County Sheriff's Office. Briese is arrested for felony bail jumping with a habitual criminality enhancer. On 02-26-2007, Briese is convicted of felony bail jumping with a habitual criminality enhancer, providing his first felony conviction.

The next criminal arrest occurs on 05-20-2006 by the Green Lake County Sheriff's Office, where Briese is arrested for 2nd degree sexual assault of a child, a felony. This arrest resolves on 02-26-2007 with the 2nd degree sexual assault of a child being amended by the prosecutor, and a 4th degree sexual assault misdemeanor conviction occurring.

The next criminal arrest is on 07-06-2006, where the Green Lake County Sheriff's Office arrests Briese for felony bail jumping, and misdemeanor disorderly conduct. This resolves on 02-26-2007, when Briese is convicted of disorderly conduct, domestic abuse incident and habitual criminality, misdemeanor, and the felony bail jumping with habitual criminality is dismissed, but read in.

The next criminal arrest occurs on 02-18-2017, where the Oshkosh Police Department arrests Briese for disorderly conduct, domestic abuse incident, as a misdemeanor; and criminal damage to property, as a domestic abuse incident, misdemeanor.

The next entry occurs on 05-15-2017, when it appears the District Attorney's Office in Winnebago County issued the charge of disorderly conduct, domestic abuse as a misdemeanor, but dismissed the criminal damage to property as a misdemeanor and dismissed a battery domestic abuse misdemeanor. This incident then resolved on 07-31-2017, when Briese was convicted of disorderly conduct, domestic abuse as a misdemeanor.

The next entry occurs on 10-31-2017, when Briese is arrested by the Winnebago County Sheriff's Office for criminal damage to property, misdemeanor, and disorderly conduct, misdemeanor. The Winnebago County District Attorney's Office then issues the misdemeanor criminal damage to property charge; issues the misdemeanor disorderly conduct charge; dismisses a misdemeanor criminal trespass to dwelling charge; and has a pending theft of movable property, misdemeanor charge. This case then resolves on 03-14-2018, with Briese being convicted of

misdemeanor criminal damage to property, and the misdemeanor disorderly conduct being dismissed, but read in.

The next criminal arrest occurs on 12-16-2021, when the Oshkosh Police Department arrests Briese for theft of movable property as a misdemeanor. Briese is convicted of that charge on 05-06-2022.

The next criminal arrest occurs on 10-02-2022, when the Oshkosh Police Department arrests Briese for disorderly conduct, domestic abuse, as a misdemeanor; battery, domestic abuse, as a misdemeanor; and 4th degree sexual assault, domestic abuse, as a misdemeanor. The Winnebago County District Attorney's Office issues the disorderly conduct domestic abuse charge, but declines prosecution on the 4th degree sexual assault. There is not an entry for the battery until the conviction stage, where Briese is convicted of disorderly conduct domestic abuse, as a misdemeanor, on 12-06-2022, and the battery misdemeanor shows disposition not reported.

The next criminal arrest occurs on 01-27-2023, when the Oshkosh Police Department arrests Briese for felony burglary to a building or dwelling. There is no disposition reported on this case yet.

The next criminal arrest occurs on 01-31-2023, when the Outagamie County Sheriff's Office arrests Briese for theft from a business setting, as a felony; fraud against a financial institution, as a felony; forgery, as a felony; forgery/uttering, as a felony; misappropriating identification information to obtain money, as a felony; and wire fraud against a financial institution, as a felony. This case also appears to not be resolved yet.

The final reported criminal arrest occurs on 03-30-2023, when the Oshkosh Police Department arrests Briese for burglary to a building or dwelling, as a felony. This case is not resolved.

Supplement

Supplement #14

Sheboygan County Sheriff's Office Criminal Investigation Division (CID) Response.

On Wednesday, 08/03/2023, at 1750 hours, I, Detective Wittlinger, received a group text from Lt. Norlander requesting all detectives report to the Sheriff's Department for an officer involved shooting.

Result:

The Sheboygan County Sheriff's Office was assigned the lead investigating agency for an officer involved shooting that occurred in Neenah, WI. I was assigned co-lead investigator with Det. Nelson assigned as lead investigator. We were tasked with interviewing the four officers on the arrest team involved in the shooting.

As a result of my assignment I conducted scene overviews with drug investigator Officer 1, Officer 3, and Officer 4.

Officer 2 opted not to participate in the initial scene overview.

Formal interviews of all four officers were conducted in the following days.

Narrative:

Upon arriving at the Sheboygan County Sheriff's Department the responding detectives were given a quick briefing by Lt. Norlander based on the information known at the time. Det. Nelson and I were assigned as lead and co-lead investigators and paired as an interview team. We were told to respond to the Neenah Police Department (PD) which was designated as the staging area.

When we arrived at the Neenah PD we were shown to a conference room. Detectives from the Sheboygan Police Department and Manitowoc County Sheriff's Office also responded to assist. Another brief was held along with introductions. A short time later the Special Agent in Charge (SAC) of the Appleton office for the Wisconsin Department of Justice (DOJ) - Division of Criminal Investigations (DCI), SAC Jeffrey Wisch, arrived.

SAC Wisch informed us that an attempt to arrest a suspect at a gas station with an arrest team comprised of four officers resulted in two of the officers firing their weapons and the suspect being shot and transported to a hospital where he ultimately died. None of the officers involved were injured. There were an additional 12 law enforcement officers involved in various roles.

It was determined that Det. Nelson and I would conduct a scene overview with the four officers from the arrest team as well as coordinate formal interviews of them in the next few days.

Det. Nelson and I learned that three of the four officers from the arrest team were present at the Neenah PD. This included Officer 1 of the Outagamie County Sheriff's Office who was assigned to the Lake Winnebago Area MEG Unit as a drug investigator who was one of the officers that fired his weapon; Officer 3 who is also assigned to the Lake Winnebago Area MEG Unit as a drug investigator and did not reportedly fire his weapon; and New London PD Officer 4 who is to the Lake Winnebago Area MEG Unit as a drug investigator and reportedly did not fire his weapon.

Appleton PD Officer 2 had requested to be returned to the Appleton Police Department and left prior to our arrival.

Det. Nelson and I began by making contact with Officer 1 who was with an accompanying officer. We introduced ourselves and explained that a member of the Wisconsin State Crime Lab would need to photograph him in the equipment and attire he wore during the shooting. Officer 1's equipment consisting of his exterior vest carrier was brought in and he donned the vest and was photographed.

Sheboygan County Sheriff's Deputy LaPean was assigned as an evidence tech and photographed and collected Officer 1's rifle, handgun, and vest. Please see his report for details.

When the photos of Deputy 1 were completed I asked if he would be comfortable in conducting a scene overview at the gas station where the shooting occurred. Officer 1 stated he felt comfortable in doing so. We then made our way to the scene located at 521 S. Commercial Street in Neenah.

When we arrived at the gas station I advised Deputy 1 that the purpose of the scene overview or "walk-through" is largely to determine where the officers were when shots were fired, where the suspect was at the time and which direction or area did officers fire their weapons. I explained that we would not enter the gas station but would go through the parking lot to the door they entered and work from there.

Deputy 1 was agreeable to this. After signing in the scene log we walked up to a brown pick up truck. Deputy 1 stated this was the vehicle they arrived in. He stated he was seated in the front passenger seat and Officer 3 was the driver. He also gave the seating locations for Officer 4 as the rear driver's side passenger and Officer 2 in the rear passenger seat.

Officer 1 stated he was the first man to the door, opened it and was the first man through the door. He observed Nathan Briese near the counter and Nathan began to move away to the back of the store. Officer 1 believes he first fired at the suspect when Nathan was near the cooler and again after Nathan moved behind an aisle as he, Officer 1, came around the end of the aisle. All of his first rounds were in a western direction (the rear of the store) and the second set of rounds were fired in a northerly direction.

I asked Officer 1 if he remembers how many times he fired and he stated he does not know but knows it was less than 15. I asked if he knew where his partners were when he fired and he could not recall at that time. I asked if he reloaded his rifle after firing and he stated he did not. I asked if he dispatched an animal with his weapon today or in the last 24 hours and he stated he did not. I asked if he fired his back up weapon and he again replied in the negative.

I thanked Officer 1 for his help and advised him and his companion officer that I had nothing further needed from him. Det. Nelson and I then left the gas station and returned to the Neenah PD.

At the Neenah PD we made contact with Officer 3 and Officer 4. Please see Det. Nelson's report for the scene overviews for Officers 3 and 4. After the scene overview we returned again to the Neenah PD. There the decision was made to take all of the firearms that were present within the gas station when the shots were fired until such time it was determined through interviews and evidence that they were not fired.

Officer 4's handgun was turned over to the Wisconsin State Crime Lab photographer to be photographed. The gun was made safe, photographed and secured in a handgun evidence box along with the magazine and 12 rounds. I noted the handgun is a Glock 26 Gen 5 with an attached light and serial number AEDF456. At 0008 hours on 08/03/2023 I took possession of Officer 4's handgun. I retained possession of the handgun until my return to the Sheboygan County

Sheriff's Department at which time I placed it into temporary evidence #6.

END OF REPORT.

Supplement

Supplement #15- Interview with Officer 2

On Monday, August 7th, 2023, at approximately 1005 hours, I, Detective Misty Nelson, along with Detective Kevin Wittlinger, conducted an interview of Officer 2 regarding this officer involving shooting investigation. Detective Wittlinger led this interview with me taking detailed notes and completing the report. This interview was conducted at the Appleton Police Department, in a conference room along with Officer 2's WPPA Business Agent, Thomas Schrank and WPPA Director of Legal & Field Services Roger Palek. The interview was not recorded per their request.

At or near the beginning of the interview, Detective Wittlinger reminded Officer 2 that these statements were voluntary and could refuse to answer any question or series of questions, and could leave at any time he wanted.

Detective Wittlinger started out by asking Officer 2 about his formal education. He is a high school graduate and received a Bachelor of Science Degree in Math from Truman State University located in Missouri. He then joined the United States National Guard in 2001 to 2011 where he had two deployments during his tour. He had been deployed to Afghanistan as a Lieutenant and then as a Company Commander during his deployment to Iraq.

When asked about his law enforcement experience, he stated that he began his career working for the Beaverton Police Department, Oregon. He started with the Appleton Police Department in October of 2018 where he has been a patrol Field Training Officer and a DAAT instructor. He is currently a Drug Investigator with the Appleton Special Investigator Unit (SIU) assigned to the Lake Winnebago Area Meg Unit (LWAM). He had completed the DCI Drug Investigator's School in March of 2023 and started with LWAM in June of 2023. He is currently assigned a Monday through Friday schedule with the hours typically being 0800 hours to 1600 hours daily. The day in question for this investigation was Officer 2's 3rd day of work for that work week.

Officer 2 described the clothing he was wearing on Wednesday, August 2nd, 2023 during the incident. He was wearing jeans and a t-shirt along with an exterior, plated vest. The vest had "POLICE" placards on the center of the front and back in white lettering over a black background. He had a lanyard around his neck with his police badge affixed. The tools that he carried that day were a taser, rifle magazine, pistol magazine, handcuffs, small pry bar, flashlight, tourniquet and gauze. He had his department issued Glock 45, 9 MM on his right hip with a magazine full to capacity and round in the chamber. He carried his department issued AR 15 .223 rifle with the magazine loaded to capacity and a round in the chamber.

Detective Wittlinger asked Officer 2 about the last time he would have fired his rifle prior to 08/02/2023. Officer 2 said he had fired the rifle during a

range training day in May of 2023 where he practiced long distance shooting and zeroed the rifle in. Upon the completion of this training was the last time the rifle had been cleaned. He then also fired the rifle the Wednesday prior to 08/02/23, which was 07/26/23 during a practice range day, however did not clean it afterward.

Officer 2 was asked about his sleep cycle prior to his shift on Wed. 08/02/23. He said he slept from about 10 PM until about 6 AM, which is a normal amount. He had got up at about 6 AM, worked out and started his shift at 8 AM with nothing unusual occurring. He had talked about how the two days prior had been stressful and long due to helping with officer involved shootings he had been peripherally part of. He said that he had a glass of wine with dinner on Tues, 08/01/23 but no other medications or alcohol were consumed in the 24 hours prior to the incident.

Det. Wittlinger explained to Officer 2 that we are interested in the facts from the incident that occurred on 08/02/23, however he did not need to go into detail about the LWAM operation that happened prior to the incident since it will be documented in LWAM case number 23-5932. Officer 2 said that he had arrived at the LWAM office around 8 AM and prepared for a different operation involving an ACT 79 search. This operation was completed with nothing out of the normal occurring. He then attended a briefing in regards to a controlled buy being conducted with a confidential informant. The controlled buy was involved buying drugs from Nathan Briese, who had active warrants for his arrest. He learned that Nathan Briese is known to flee and elude police and if given the opportunity to arrest Briese, they would be doing so in an open air situation. This was explained that they wished to get him in a place by himself, outside of a residence or his vehicle and safely take him into custody.

He was assigned to be part of the Quick Response Force (QRF), meaning that this team of 4 members would be responsible for CI rescue if things became unsafe during the controlled buy. The team consisted of himself, Officer 3, Officer 1 and Officer 4. During the course of the buy, units were informed that the CI mentioned something about a firearm and that there was a gun in the car. All members of the QRF were assigned roles if they needed to deploy with Officer 2 assigned as Rifleman. Officer 3 was the driver of the QRF vehicle and was the acting Officer in Command for this group. The controlled buy completed and other units from LWAM had continued post op surveillance on Briese and the vehicle he had been driving. Surveillance units continued to keep eyes on Briese and the vehicle while communicating to the other units. Officer 2 said at some point, surveillance units communicated that Briese was alone in the same vehicle and was headed towards the gas station again. Officer 3 had made the decision that they were morphing into the arrest team at that time. He said they were communicating between themselves and to other units that they would be the arrest team if they could get Briese in an open air situation. Based on the actions of Briese would determine their response but were prepared to respond. Surveillance units let them know that it was a good opportunity to affect the arrest as Briese had stopped at the Mobil gas station, where he exited his vehicle alone and entered the store. They also told them that there did not appear to be anyone else in the gas station other than the clerk due to there not being a lot of vehicles there.

Officer 3 drove the team into the parking lot of the Mobil gas station and parked parallel to the front doors. Officer 2 said he was seated in the rearpassenger side seat of the truck with Officer 1 seated in the front passengerside seat. As soon as the vehicle stopped, Officer 2 said that both he and Officer 1 exited the vehicle. They both got to the gas station door and he fell in behind Officer 1 and took a position behind him. As Officer 1 opened the door, Officer 2 said he didn't see Briese right away due to being on Officer 1's right side. He then saw Briese near the cash register and yelled "Stop!" as Briese started to run towards the back of the store. He said the inside of the store has a fairly small interior. As Briese ran towards the back, him and Officer 1 gave chase with Officer 1 just in front and to the left of him. Officer 1 was yelling commands to Briese in a loud manner. He said Briese ran to the back wall, which consisted of all coolers, spun around quickly and it was clear to Officer 2 that Briese pulled up his shirt in the front with one hand and the other hand went towards his waist with his elbow flared out. He observed a gun in Briese's waistband and described it as an appendix carry. Officer 2 said at that time he knew Briese was going to kill him, Officer 1 or the other officers that were behind him. Officer 2 said he decided to fire and estimated he fired 2 to 3 rounds as he aimed towards center mass on Briese. In a fluid motion and everything happening very quickly, Briese turned towards his left as he faced them. Officer 2 also moved to his own right, maneuvering around a grocery aisle. He said as he came around the corner of the aisle, Briese still had his hands near his waistband. Officer 2 said he fired another 2 to 3 rounds at Briese until he crumpled to the floor. He said from his vantage point he couldn't see Briese's hands and started giving commands to show his hands. Officer 1 had moved next to him and they both continued to give lethal cover toward Briese while he was on the floor until they were both removed from the scene. He said he observed other officers immediately start to render aid to Briese prior to leaving the scene. He said Officer 3 had checked on him and Officer 1 to make sure they were ok and then they were walked outside. He said he had been involved in an officer involved shooting approximately a year ago and was familiar with the process. Officer 13, who is also a member of the Appleton PD Special Investigations Unit, took him to his vehicle where he left his rifle loaded, placed it on safe and put it in the vehicle. He also took off his tact vest and placed that in the vehicle. He was driven to the Neenah PD initially until he decided that he would rather wait at his own department for detectives to speak with him. He remained at the Appleton PD with his companion officer and WPPA representation.

He was asked if he had any prior knowledge of Nathan Briese before this operation. He said he never had contact with Nathan Briese, however was aware of his drug history and that he was wanted on warrants.

Officer 2 said he had never been inside this gas station before this day and was not familiar with the layout. Det. Wittlinger asked about his state of mind during this incident. Officer 2 said that upon entering the gas station, he knew that at least the clerk was in there due to the business being open and when he observed Briese reach for the handgun in the waistband of pants, he said he had a legitimate fear for his life and/or for the life of others in the store so he reacted as trained.

This concluded our interview at this time.

EOR31

Supplement

Supplement #16 - Interview with Officer 4.

On Friday, August 4th, 2023, at approximately 1200 hours I, Detective Wittlinger, along with Det. Nelson, conducted an interview of Officer 4 of the New London Police Department. Officer 4 was interviewed regarding his role in an officer involved shooting. Det. Nelson led the interview while I took notes and completed this report. The interview was conducted in a conference room at the Fond du Lac Police Department. Along with Officer 4 was Attorney Doug Nelson of the Labor Association of Wisconsin. The interview was not recorded per their request.

Following introductions, Det. Nelson began by informing Officer 4 that this was a voluntary statement for him and he did not need to answer any or all of the questions asked of him or make any statement and he was free to leave at any time.

Det Nelson began the interview by asking Officer 4 to discuss his training and experience. Office 4 stated he is employed by the New London Police Department and is currently assigned as a drug investigator with the Lake Winnebago Area MEG Unit, which he then referred to as "LWAM" for short thereafter. Officer 4 stated he graduated from a law enforcement academy and attended the Wisconsin Department of Justice, Division of Criminal Investigations drug school. He has received additional training at his agency and LWAM in such topics as room clearing, tactical entry and breaching. Det. Nelson had Officer 4 explain a normal work week schedule and he stated that the day of the shooting would have been his third day of work that week as he typically works a five day, Monday through Friday schedule. His work day typically begins between 0800 and 0900 hours.

It was explained to Officer 4 that we were investigating the shooting and were not looking for details regarding the controlled buy of drugs from Nathan Briese. Det. Nelson then asked Officer 4 to say and explain his role for the operation on Wednesday, August 2nd. Officer 4 stated he was part of a four-man QRF which he explained stood for Quick Rescue Force. He explained that the QRF is responsible for rescuing the Confidential Informant (CI) or Undercover Officer if the need arose.

Officer 4 explained that the operation began with an Operation Plan and briefing. The operation was to conduct a controlled buy from Nathan Briese and if an opportunity arose to safely take Nathan Briese into custody the QRF would act as the arrest team to take him into custody.

Officer 4 stated that surveillance was placed on Nathan Briese and following the controlled buy he was observed leaving the area of the controlled buy and surveilled to other locations. The vehicle Nathan Briese was operating was observed leaving a residence on Commercial Street and heading north, returning to the gas station on Commercial Street. Surveillance units stated

Nathan was alone and going into the gas station with no other vehicles in the parking lot and no other customers observed.

The decision was made to take Nathan Briese into custody. Officer 4 stated they entered the parking lot from a bank parking lot across the street and dismounted from their vehicle. Officer 4 explained he was seated in the rear driver's side seat of the vehicle and Officer 3 was driving. As they exited the vehicle he fell in fourth in the four-man arrest team.

As the arrest team entered the gas station he recalled one of the officers in front of him yell, "Nathan Briese" and give Nathan Briese commands. As Officer 4 entered the threshold of the door he heard gunshots and observed Nathan Briese at the end of the aisle and duck behind the end of an aisle. Officer 4 went up to the front of the aisle and saw other officers engaging Nathan Briese. He then saw a handgun on the floor. He remained at the start of the aisle and then checked on Officer 1.

Officer 4 next recalled a male come from the bathroom and other officers address the male. He heard Officer 3 say to check on the female clerk. Officer 4 went to the female clerk and told her to come with him. She grabbed her cell phone and a set of keys and he escorted her out of the gas station to her vehicle. He does not recall if he re-entered the gas station after bringing the female clerk outside.

Once outside Officer 4 remembered someone making mention of starting a crime scene log. He stated someone else said they would do it so he obtained the female gas station clerk's information and Officer 3 obtained the same from the male that was in the bathroom.

Det. Nelson asked how far he went into the store. Officer 4 stated he does not think he went past the "Little Debbie Station" and over to the female clerk that was behind the counter.

Det. Nelson asked Officer 4 what firearms he had and Officer 4 stated he only had his handgun with him and had it in hand when coming into the gas station. Det. Nelson asked if he pointed it at anyone and he stated he had it down to his side and did not aim it at anyone.

Det. Nelson asked Officer 4 his initial thoughts as he entered the gas station. Officer 4 explained that he was assigned as the "hands on" officer and has a Tazer with him so he was thinking about taking the suspect into custody. He also stated he had never been inside the gas station before and was thinking about the layout of the building.

Det. Nelson asked what he was thinking when the shots were fired or if he could determine where they came from. Officer 4 stated he was not able to determine where the gunshots were coming from but he did see Officer 1 engaging Briese and could tell Officer 1 fired. He re-iterated that he observed Nathan Briese go from the end of the aisles and disappear behind the end of an aisle and a handgun lying on the ground.

Det. Nelson asked Officer 4 what he was wearing that day. He explained he

had on a baseball style cap and wore a vest with "POLICE" on the front and back of it. His vest does not have his name on it or a badge. He was not wearing gloves.

Det. Nelson asked Officer 4 what his primary weapon was during the attempt to arrest Nathan Briese and he stated it is a small-frame Glock handgun, 9mm. It is the only firearm he had when he exited the vehicle. It is typically worn in a holster on his right hip, but he had it in his hand after exiting the vehicle and approaching the building. He did not recall how many rounds he carried when asked.

Det. Nelson asked when was the last time he fired his handgun and Officer 4 replied in March of this year. He stated that was the last time he cleared his handgun as well. He did not have a back up firearm with him.

Det Nelson asked if he wore a body camera that day and Officer 4 stated no.

Det. Nelson asked how many hours of sleep he had the night before and Officer 4 estimated he got about eight hours of sleep. Det. Nelson asked if that is a typical sleep amount for him and he stated it is. Det. Nelson asked what medication he takes and he replied he does not take medication. Det. Nelson asked if he had any alcohol in the 24 hours prior to the shooting and he stated he did not.

Det. Nelson asked Officer 4 about his vest and he replied it is a soft armor vest with a rifle plate in the front. Det. Nelson asked what equipment he carries and he stated he carries a less-lethal Tazer on his left hip.

Det. Nelson asked Officer 4 if he recalled anything that may have occurred or was relayed during the controlled buy that seemed important or was outside of a typical controlled buy. Officer 4 stated that during the controlled buy from Nathan Briese that the CI made note of a handgun in the vehicle. This information was passed on to all the officers participating in the operation. He stated it was relayed again when the CI was with other officers following the controlled buy and passed along again to officers participating in the operation.

Det. Nelson asked how this information was passed on and Officer 4 stated it was first heard on the body wire the CI was wearing and relayed over the radio and via text.

Officer 4 was asked about his prior history with Nathan Briese. Officer 4 stated he has never had contact with Nathan Briese. He was made aware during the initial briefing that Nathan Briese had a history of running and eluding. He was also aware that Nathan Briese had warrants for his arrest and members of the U.S. Marshal Service were looking for Nathan as well.

Det. Nelson asked Officer 4 if he discussed the shooting with anyone else outside of his attorney or wife and he stated he has not. Det. Nelson asked Officer 4 if at any time he came into contact with Nathan Briese after he was shot and he stated he did not.

This concluded the interview at this time.

Supplement

Supplement #17 - Interview of Officer 3.

On Friday, August 4th 2023, at approximately 1220 hours, I, Detective Wittlinger, along with Detective Nelson, conducted an interview of Officer 3 of the Wisconsin Department of Justice Division of Criminal Investigations (DCI). The interview was in regards to an officer involved shooting and Officer 3's involvement. Det. Nelson led the interview and I took notes and completed this report. The interview was conducted in a conference room at the Fond du Lac Police Department. With Officer 3 was Attorney Carli Windorf. Officer 3 agreed to record the interview. The recording was added to digital evidence for this case.

Det. Nelson verbally identified Officer 3. She then informed Officer 3 that this is a voluntary statement, he is free to go at any time and he is not required to answer any questions.

Det. Nelson asked Officer 3 to explain his training and experience, law enforcement employment, and current role and assignment. Officer 3 stated he is a Special Agent with the Wisconsin Department of Justice - Division of Criminal Investigations (DCI) since 2014. He has been assigned to narcotics his entire tenure with DCI. In 2018 he was assigned to the Lake Winnebago Area Metropolitan Enforcement Group - drug unit (LWAM). He explained LWAM is a multi-jurisdictional task force with law enforcement investigators from Outagamie, Winnebago, Fond du Lac and Calumet Counties and several of the municipal police departments within those counties as well as DCI agents.

Officer 3 went on to say in his role at LWAM that he acts as the unit coordinator which entails filling in when the unit supervisor is unavailable, he approves reports, field operations for drug related operations, he also participates in the majority of those operations, he puts on the tactical training, undercover training for members of LWAM, and other drug related training. He is also a member of the Wisconsin Joint Tactical Team which is comprised of DCI agents, Wisconsin State Patrol Troopers, and the Wisconsin DNR. He is one of four team leaders for the Wisconsin Joint Tactical Team. As a team leader he is usually part of the planning process for any operation in the state which includes forming operational plans, tasking members with assignments as well as participating in the operation.

Det. Nelson asked Officer 3 how long he has been in his current role at LWAM. Officer 3 said since his assignment to LWAM in 2018. Det. Nelson asked what a typical work schedule for him is. Officer 3 stated every day is different but his work week is usually Monday through Friday with occasional weekends. He may also be called out as a DCI agent for large critical incidents and gave the example of the [REDACTED] kidnapping or large arson scenes that may require additional agents. Normal work hours for him as a drug agent may be from 8:00 am till 8:00 pm.

Det. Nelson confirmed that the day of the incident was his third work day for

that work week and not an overtime shift or day off. Det. Nelson asked Officer 3 what his sleep schedule the night prior to the incident was. Officer 3 checked his calendar and confirmed that Tuesday, the day prior, he participated in a tactical operation in Madison, Wisconsin at the state capital. He recalls starting mid-afternoon and returning home between 10:00 pm and 10:30 pm and in bed by 11:30 pm. This is a little later than normal. He is typically in bed around 9:00 pm. Det. Nelson asked how many hours of sleep he received that night and Officer 3 replied seven hours.

Det. Nelson explained that our investigation is centered around the shooting at the gas station and not the controlled drug buy we know that occurred prior to the shooting, however, if there are facts or details that occurred during the controlled buy that explain what brought them to the gas station and why they are there he can discuss those. Det. Nelson then asked Officer 3 to explain where he was and what his role was and what led to them going to the gas station.

Officer 3 began by explaining that one of the LWAM investigators advised he had a person referred to as a Confidential Informant (CI) that could purchase drugs from Nathan Briese. Officer 3 stated he is familiar with Nathan Briese by name because he has been mentioned in past interviews related to drug investigations. Those interviews indicated Nathan Briese would sell anything, meaning any type of drug, a person would want. Officer 3 said he has never had contact with Nathan Briese in the past.

The investigator with the CI set up a controlled buy between the CI and Nathan Briese. A briefing was held for all participating law enforcement officers at the LWAM office. This consisted of going through an operational plan and identifying everyone's roles during the operation. Within the briefing it was determined they would conduct the controlled buy and place Nathan Briese under heavy surveillance in an attempt to identify either where he was staying or living and then determine from that their next step whether it be a search warrant at a specific location, advising the U.S. Marshal Service because they were looking for Nathan Briese, or if an opportunity arose after the controlled buy to safely take Nathan Briese into custody in an "open air" arrest. Officer 3 explained what he meant by "open air" as when a subject could be arrested in a location outside of a vehicle or outside of a residence or outside of a structure and/or within a structure where they have some control over allowing them to get close enough to effect a safe arrest.

Officer 3 stated that it was passed along in the briefing that Nathan Briese had warrants for his arrest. He did not recall what the warrants were for but in order to maintain the confidentiality of the CI Nathan would initially be arrested for his warrants.

Officer 3 continued on with the controlled buy operation being put into motion. The controlled buy had the CI be driven to a location by an undercover officer. They were aware that the location would probably be in Neenah but they did not have an exact location at the start of the operation. At some point they are told the location is to be the Mobile gas station at 521 S. Commercial. The undercover officer and CI arrived at the location. Officer 3 had told the

undercover officer where to park in the parking lot.

Officer 3 stated that his role was on the QRF which he explained was a Quick Reaction Force which is a four-member group made up of LWAM investigators in police gear with vests on and each member assigned certain tools such as less lethal options, rifles, an entry ram, and a halligan. He explained they are assigned to the QRF in case the undercover officer or CI were put in a position where they felt their life was in danger the undercover officer or CI would notify them via a recording device which was monitored in his truck which was designated as the rescue vehicle. If they heard the alert, Officer 3 and his team would then affect a rescue of the undercover officer and CI.

Officer 3 stated his truck was designated as the rescue vehicle. He explained he had three other officers with him and stated Officer 1 was in the front passenger seat, Officer 2 sat behind Officer 1, and the rear driver's side seat sat Officer 4. Prior to the start of the operation they discussed assignments amongst themselves. Officer 2 would be assigned to carry a rifle, Officer 3 would have a rifle, Officer 4 was designated the hands-on officer, and Officer 1 had a rifle. All of them were in their police gear inside his vehicle.

They set up at the buy location and with the undercover officer parking in the spot designated by Officer 3 which he stated gave them a good view of the vehicle. The CI was in communication with Nathan Briese who advised CI he would be arriving in a silver SUV. A short time later a silver SUV pulls up next to the undercover vehicle.

Officer 3 explained that as this is occurring there are many things going on at the same time. All four officers in his truck were doing something while maintaining surveillance. They are monitoring radio communications, the audio wire, one is typing messages into the group chat designated for the group, one is actively watching and relaying what is occurring with the controlled buy and he, Officer 3, is the designated driver.

Officer 3 continued that the CI entered the vehicle, which he did not directly witness at the time, and Officer 1 was relaying what he could hear from the wire to the others in the vehicle. Officer 3 remembers Officer 1 saying something to the effect of, "he has a gun". It was not relayed in a matter that the CI was in danger, but that a gun was seen. Officer 3 stated it is assumed most people have a gun. The CI leaves the vehicle and goes back to the undercover officer and confirms with the undercover officer that the CI observed a handgun when Nathan Briese moved a bag or backpack. The CI indicated that Nathan Briese took the handgun and said he was sorry and stowed the handgun somewhere in the center console of the vehicle.

Nathan Briese left in his silver SUV and surveillance continued on him. Officer 3 stated Nathan Briese was continuously surveilled and eventually goes to a residence with an address of 716 S. Commercial. He is observed pulling into the driveway and when a surveillance team drove past he was not seen in the vehicle. Surveillance continues on the residence and there is talk amongst the group about what to do at that point. Officer 3 stated he and the investigator who

set up the controlled buy discussed the points made during the briefing such as obtaining a search warrant and Officer 2 was on his phone with the U.S. Marshal Service.

The U.S. Marshals advised they would not make an attempt to arrest Nathan Briese at the house and the decision was made by Officer 3 that there were too many unknowns at the house and to continue surveillance for a while longer and if Nathan Briese leaves they may try an arrest or look for him another day.

Officer 3 stated at some point surveillance sees the silver SUV back out of the driveway and head north on Commercial. Nathan Briese was positively identified by a member doing surveillance. Officer 3 does not recall if he was positively identified during the two-block drive back to the gas station or when he arrived at the gas station at 521 S. Commercial. Officer 3 stated he was driving parallel one street to the east, still in full police gear.

At this point Officer 3 recalled an incident that occurred earlier when, after leaving the Mobile gas station after meeting with the Confidential Informant and surveillance was being conducted on Nathan Briese, that Officer 3 and those in his vehicle observed a male Hispanic get into Nathan Briese's vehicle near a park. Officer 3 explained that it was the belief amongst himself and the other officers in his truck that Nathan would likely drive around the park and then drop off the Hispanic male back at the back. He then pulled off and went to a side street and parked in a driveway. Nathan drove with the Hispanic male down the same street and parked an estimated 20 yards away from Officer 3's truck. Officer 3 stated all four officers in the truck observed this through the passenger side window. Officer 3 got on his radio to advise the other officers of the location when Officer 1 advised he saw them, referring to Nathan Briese and his passenger, conduct a hand-to-hand transaction. Officer 1 stated he saw a white baggie, "super white" in Officer 1's words, exchange between Nathan Briese and the passenger.

Officer 3 said he advised his team that they would still not attempt to take Nathan into custody because he, Nathan, is behind the wheel of a vehicle and due to the unknown male passenger. After the hand-to-hand the passenger leaves and Nathan drives away with surveillance teams continuing to observe until Nathan Briese goes to 716 S. Commercial Street.

Officer 3 then continued from where he left off with surveillance observing Nathan Briese leave the residence and him driving parallel on a street to the east going north. He hears someone say Nathan is pulling into the gas station. He hears someone say "he is parking, he's out, he's in the gas station alone." At that point the decision is made to take Nathan Briese into custody. Officer 3 stated he knew he could drive from Maple Street through a bank parking lot and enter the gas station parking lot on Commercial.

Officer 3 stated this was a good opportunity to affect an arrest on Nathan Briese because it was "open air" meaning Nathan was out of his vehicle, he exited his vehicle alone, and he had gone into a public structure alone. Officer 3 stated that he made the decision as the arrest team leader to arrest Nathan Briese.

Officer 3 stated he is driving and calls out on the radio that the arrest team was moving in and they were going to take him inside the gas station. Officer 3 states as he is pulling into the parking lot he is unlocking the vehicle doors and telling surveillance units to pin in Nathan Briese's vehicle. He explained that the unit works with each other every day and by telling others to "pin in the vehicle", they would know he means to park it in so if Nathan Briese were to get to it he could not drive it away, to clear the vehicle, and prevent Nathan from getting to his vehicle.

Officer 3 went on to say that when he pulled into the parking lot there was a vehicle parked in front of the store that he decided to park alongside of that provided cover and kept Nathan from seeing them as they approached. Officer 3 noted that surveillance had not advised of anyone else entering the store as he was making the approach. He stated he parked along side the vehicle and as was opening his door he heard Officer 1 say he, "was rolling", which Officer 3 stated he interpreted as Officer 1 meaning he activated his body camera.

Officer 3 stated he exited his vehicle using the truck he parked next to ascover. He did not witness the other officers exiting. Officer 3 stated as he was coming around the other vehicle he saw Officer 1 out of peripheral to his (Officer 3's)right with his rifle approaching the entry door. Officer 3 does not recall seeing Officer 2. He remembers the door opening, Officer 1 being the first one in, then Officer 2 and then him.

Officer 3 stated he has never been in the gas station before, he did not know the layout but he was aware that it would not be very big inside. He stated when the door opens and Officer 1 is first through, he saw legs in jeans and it looked to him like a person was standing inside the gas station looking to the south. Officer 3 stated in his mind that he thought Nathan Briese was there at the counter. He heard Officer 1 say Briese's name and observed the legs quickly go to the west to the back of the gas station. Officer 3 remembers thinking, "he's taking off."

He then remembers looking between Officer 1 and Officer 2 and seeing Nathan's face and thinking that is Nathan Briese who Officer 3 had seen a recent picture of during the briefing. He remembers seeing Nathan's face and when Nathan Briese gets to the back of the store he is up against the beverage cooler and he seeshim turn towards them. Officer 3 recalled as Nathan Briese turns towards themhe sees one of Nathan's hands reach down towards his belt line and make a motion up with that hand.

Officer 3 stated the first thing he thinks when he sees that motion is that Nathan Briese has something in his waist band. He sees Nathan's other hand go down to his belt line. Officer 3 stated this made him think of his own experience appendix carrying his handgun when working undercover and having observed other investigators on the range draw a handgun from their waistband to fire as well as doing the same physical motion himself through training to pull his handgun when appendix carrying. His thought now was that Nathan Briese has a handgun.

Officer 3 continues that he saw Nathan Briese make a type of rocking motion and he sees a black object. He can not at this point say it was a gun, but based

upon the previous intel and Nathan's actions he thought Nathan is trying to pull a handgun from his waistband.

Officer 3 stated he then hears gunfire. He can not recall the number of shots he heard but he stated it sounded similar to firearms training when instructed to fire two rounds to the target's CNS and one shot to the head. At this point he relays he lost sight of Officer 2 but sees Officer 1 get to the back by the water cooler where Nathan had been standing and turn to his right, which is to the north. Officer 3 stated in his mind he thought Officer 1 had fired. He glimpsed at Officer 1 and he appeared to be ok.

Officer 3 stated that when the gunfire ended he went into supervisor mode. He was the team leader for the arrest team, he had approved the operation and made the decision to arrest Nathan Briese. He states his thoughts were to get on the radio to let the other officers know shots were fired. He then thought to himself that the building needs to be cleared, that anyone else inside needs to be brought out and aid needs to be provided to Nathan. He stated he could not see Nathan and he did not if he was physically down. He knew based on his experience with Officer 1 and Officer 2 that they were handling the situation.

Officer 3 stated he looked to his right and saw a door and a head looking out from the door. He went to the door and saw a male peeking out and saw the room was a bathroom. He could tell the man was not a threat and assumed it was the gas station owner. Officer 3 asked if he was ok, made sure he was alone and reassured him. He looked back and saw Officer 4 by the register area. He also saw a female behind the counter and instructed Officer 4 to take her out of there.

Officer 3 does not remember if he walked the male out but thinks he did. He remembers walk towards the aisle and seeing other officers coming in. He recalls seeing Officer 5 by the cooler where Nathan Briese had been. Officer 3 recalls asking Officer 5 if he had checked the building and saying it needs to be secured. Officer 5 responded to Officer 3 that they were good as far as securing the building.

Officer 3 recalls being outside and asking another officer if the car was clear. He returned inside and went to the northern most aisle and someone yelled for a chest seal. Officer 3 stated checked a medical bag and did not see one and handed his personal chest seal from his medical kit to them. They asked for a second chest seal which he got from Officer 5 and turned it over. He encouraged the officers providing aid to apply pressure and keep talking to Nathan Briese. He next remembers hearing sirens. He saw a member of EMS walk in and go down the center aisle towards Nathan Briese. As he watched him he looked down and saw a handgun lying on the ground in front of the cooler near Officer 5. He instructed Officer 5 to take out his phone and take a picture of the handgun where it laid. Additional EMS were arriving and coming in per his memory.

Officer 3 stated he remembers it was a small space and he was not doing any additional good where he was. He stated the three officers working on Nathan Briese were doing a good job. He stated he exited the gas station. Officer 3

recalled going by the gas station owners and taking the females information. He recalls asking if their cameras work and them saying yes. He talked to them a bit explaining the video will be needed and if they were able to access it and that their business will have to be closed for a period of time.

Officer 3 recalls officers checking on each other and telling each other to make calls to their agencies and wives. He stated the next thing that went through his mind was to call the LWAM supervisor but he did not answer. He called another supervisor who also did not answer.

Officer 3 went on to say that he needed it to be clarified that based on his perspective of Nathan Briese fleeing, reaching for what he believed to be a handgun that his intention with that weapon justified their response. He stated they had him acquired and isolated him and it was Nathan Briese's actions that dictated what happened that day. He wanted it known that as soon as the shots were fired they went to work and began to render aid immediately.

Det. Nelson stated she had some questions about his uniform and other details that need to be documented. She brought up Officer 3's truck and confirmed that it is his UC (undercover) vehicle. Officer 3 stated it is and he did not activate his emergency lighting because that would have hampered their arrest attempt.

Det. Nelson asked about his vests. Officer 3 clarified that it is an exterior carrier. Det. Nelson asked if there is a badge sewn on and was told there is no badge by Officer 3. Det. Nelson if it has "police" displayed on it. Officer 3 stated that he wore a black, long sleeve shirt that has "Police" down both sleeves in white. Officer 3 stated he wears that shirt on all of his operations so that he has something that says police down his sides. Officer 3 described his vest as OD green with a large placard reading "Police" in white on a black ground on the front and back of the vest. He wore a badge around his neck but it was underneath his vest.

Det. Nelson asked if he wore a hat. Officer 3 stated he wore a hat that reads "Drug Unit" across the front with LWAM on one of the sides. Officer 3 stated he was wearing blue jeans at the time, but all other clothing he wore had something identifying him as police or drug unit.

Det. Nelson asked what gear he wears on his vest or belt. Officer 3 stated he had his Glock 43 handgun that he carries on his hip in a holster on his right side. On his left side he wears a drop-down thigh rig that carries his medical pack, extra Taser cartridge and Taser. He stated on his vest is a CAT tourniquet, two sets of plastic zip tie handcuffs, on his right side he carries a cell phone and an additional, smaller black & white "Police" placard, on the front of his vest are three rifle mags, two handgun mags, a flashlight, a door stopper, and on his left side above his thigh rig he carries his portable radio. There is another smaller, black & white "Police" placard on the left side of the vest as well.

Det. Nelson asked Officer 3 if he had any weapon out when entering the gas station. Officer 3 stated that he does not remember if he had his handgun out. He knows he did not take his rifle. Det. Nelson clarified he did not have a backup weapon. Det. Nelson asked if he takes medication which Officer 3 stated

he does not. Det. Nelson asked if he had any alcohol in the 24 hours prior to the shooting and he stated he did not.

At this point I asked Officer 3 if had prior law enforcement experience prior to joining DCI. Officer 3 stated yes. I asked him what and he stated from July of 2008 until 2014 he was a Trooper with the Wisconsin State Patrol. In his eight months with the State Patrol before joining DCI he was assigned to the Milwaukee HIDTA, which Officer 3 explained is the High Intensity Drug Trafficking Area group. He stated he worked in an undercover drug capacity at HIDTA. Officer 3 advised it is similar in work to LWAM.

I asked Officer 3 if he had any formal education after graduating high school. Officer 3 said yes. I asked what additional education he had and he stated he has a Bachelors Degree from the University of Wisconsin - Stevens Point. I asked if the Wisconsin State Patrol Academy was his first police academy and Officer 3 said no, he had first attended the police academy at Mid-State Technical College in Wisconsin Rapids and then through the Wisconsin State Patrol Academy upon hiring.

This ended our interview with Officer 3.

END OF REPORT.

Supplement

Supplement #18- Interview with Officer 1

On Monday, August 7th, 2023, at approximately 1230 hours, I, Detective Misty Nelson, along with Detective Kevin Wittlinger, conducted an interview of Officer 1 regarding this officer involved shooting investigation. Detective Wittlinger led this interview with me taking detailed notes and completing the report. This interview was conducted at the Appleton Police Department, in a conference room along with Officer 1's attorney, Christopher MacGillis. The interview was not recorded per their request.

Prior to the start of the interview, Attorney MacGillis requested for Officer 1 to have the ability to watch the video from his body worn camera from the incident. After some discussion, the body worn camera video was brought up on Detective Wittlinger's department issued laptop for them to view. Detective Wittlinger and I exited the room and allowed Attorney MacGillis and Officer 1 to watch the video in private. Det. Wittlinger and I had prepared for the possibility of this by having Det. Sgt. Brian Judd download the video to a password protected thumb drive, which we could access if need be. Once they were completed viewing the video, we re-entered the room and began the interview.

At or near the beginning of the interview, Det. Wittlinger reminded Officer 1 that these statements were voluntary and could refuse to answer any question or series of questions, and could leave at any time he wished.

Officer 1 was asked about his formal education. Officer 1 said he graduated high school and then attended the University of Wisconsin LaCrosse. He graduated from UW Lacrosse with honors and received a Bachelor of Science Degree in the Health Field in May of 2015.

When asked about his law enforcement experience, he stated that he started his career at Hortonville Police Department in August of 2016 where he worked as a full-time Patrol Officer. He was then hired as a full-time Deputy in January of 2018 with the Outagamie Sheriff's Office, where he is still currently employed. In January of 2020, he was assigned as a Drug Investigator with the Lake Winnebago Area Meg Unit (LWAM). He is currently assigned a Monday through Friday schedule with the hours typically being 8:30 AM to 4:30 PM, however the hours are flexible. The day in question for this investigation was Officer 1's normal workday and was the third day of his rotation for this week.

Officer 1 described the clothing he was wearing on Wednesday, August 2nd, 2023 during the incident. He was wearing jeans and a t-shirt with a black exterior vest over the shirt. His vest had "Sheriff" patches on the front and back with white letters over a black background. He wore his Outagamie County Sheriff badge on a chain around his neck but had it exposed on the outside of his vest in the front where it was visible. He did not wear a name patch or gloves. He had a black baseball cap on with the words "Jacks", worn in a backwards position at the time. He said he was wearing his SWAT rig that day which included his tactical vest that contained ceramic plates, handcuffs, taser (left-hand position), body camera, turn out kit (medical items), tourniquet, sledgehammer carrier on his back and 3 magazine pouches (2 pistol, 1 rifle). He had his department issued Glock 19, 9 MM in a holster on his hip and was carrying his .223 rifle. The rifle magazine was not fully loaded that day and only had 28 rounds instead of the 30-round capacity.

Det. Wittlinger asked Officer 1 the last time he would have fired his rifle prior to the incident. Officer 1 said that he had attended some live fire training in the Spring of 2023 and had cleaned his rifle afterwards. He had not fired the rifle after that.

Officer 1 was asked about his sleep cycle the prior evening to the incident. He said he slept from about 10:30 PM to about 6 AM, which is his normal amount of sleep. He denied having any alcohol or medication up to 24 hours prior to the incident. His morning consisted of waking up around 6 AM, working out from 7 AM to 8 AM and arrived at the office around 8:30 AM for work.

Det. Wittlinger explained to Officer 1 that we are interested in the facts from the incident that occurred on 08/02/23, however he did not need to go into detail about the LWAM operation that happened prior to incident since it will be documented in LWAM case number 23-5932. Officer 1 started from the beginning of his day that day. He arrived at the office around 8:30 AM and was aware of a pre-planned operation that would be taking place this morning. He attended a briefing in regards to a probable cause search at 10 AM. This operation took from about 10 AM to about 1 PM. When they were completed with the first operation, he learned that Officer 16 had asked LWAM to assist with a controlled buy from Nathan Briese. Officer 1 said he was familiar with Nate Briese from an operation in June, 2023 and his history involving methamphetamine but never had any interactions with him personally. He attended the briefing for the operation where he learned more about Briese's history and intel to include that he had warrants for his arrest. He learned that Briese was familiar to law enforcement for being involved with large quantity methamphetamine dealings and was known to flee/elude police. He learned from intel that Briese was starting to become paranoid, which Officer 1 said based

on his training and experience, can cause the person to increase violence. He knew that Briese had been involved in burglaries within the surrounding communities showing a disregard for individuals in the community. Briese didn't have a current residence in the area and had been known to be hotel hopping making it difficult for police to locate him. Intel was that he was getting pounds of meth from large scale meth dealers to be distributed by him. Based on the totality of the circumstances, there was a mutual interest between LWAM, DEA and the US Marshalls to get Briese into custody.

During the briefing, Officer 1 said he had been assigned a role within the four-man Quick Rescue Force team (QRF) that was responsible for rescuing of the undercover officer or confidential informant during a controlled buy. Officer 1 couldn't remember specifically which role he was assigned within the group; however, their roles can change based on the event and how dynamic incidents happen. He said they are all trained to adapt to the surroundings. Officers had talked about how they wanted to affect an open-air arrest if available, meaning they would try to get him into custody in a safe manner, away from residences or vehicles. Officer 1 had been in an undercover vehicle in the front passenger side of Officer 3's Ford F150 truck. Officer 3 was driving, Officer 2 was seated in the rear passenger side and Officer 4 was seated in the rear driver's side of the vehicle. They surveilled the buy from a safe distance and during the buy, it was relayed to all units involved that the target, Nathan Briese was armed in the vehicle. Once the buy was completed, post-surveillance units continued to follow Briese in the target vehicle to a residence. Officer 1 said his team had been set up a street off of the target when the surveillance units announced that the target vehicle left the residence and was going south towards the gas station. The target vehicle pulled into the gas station parking lot and parked near the northwest side of the lot. Units observed Briese get out of his vehicle alone and enter the gas station. Officer 3 made the decision that they would be the arrest team to enter the gas station and take Briese into custody. Officer 3 got on the radio to let the others know they were moving in for the arrest. Officer 3 cut through the south side of the gas station parking lot and pulled in parallel to the gas stations front doors. They could see there were no other cars in the parking lot for the gas station, therefore most likely no other customers inside. Officer 3 had also directed other units that they needed to conduct a vehicle pin on the target vehicle so there was no option for escape. Due to the dynamic of the situation, he said he had turned his body camera on as they entered the parking lot. As the vehicle stopped, Officer 1 said he grabbed his rifle, got out immediately and was the first point of contact for the arrest. He said he walked to the gas station doors with his rifle at a low ready and could see Briese standing inside at the cash register counter. Officer 1 said he positively identified that it was Nathan Briese based on the briefing and controlled buy from earlier in the day. He said Briese didn't see him right away as he was opening the door. He said he yelled "Nathan Briese" and gave a verbal announcement that he was under arrest as Briese looked up. Briese had something in his hand that he was going to buy and then made a movement to move away from him as Officer 1 yelled to Briese that he was under arrest. Briese began to flee towards the back-cooler wall and as he got to the back, he looked to his left as if looking for a way out. Officer 1 had followed and said Briese then squared up to him and with his left hand, lifted the front of his shirt and his right hand went towards his waist with his elbow flared out. Officer 1 said he could see the black pistol grip of a gun being pulled from his waistband so he engaged him. Officer 1 said he

had auditory exclusion at this point and could no longer hear anything around him. Officer 1 said that in that moment he knew that if he didn't engage him, Briese would shoot him or others in the gas station. He knew that he had to stop the threat because his life was in danger. He is aware that people carry firearms in the appendix area of the waistband making it clear to him that Briese had a gun when he saw the black firearm against the skin on Briese's exposed stomach. Officer 1 said he engaged with rounds that hit the glass of the coolers as Briese moved to the right. Officer 1 moved with the movements of Briese to the right where Briese still had his hands in his waist area. Officer 1 continued to engage until Briese was no longer making movements near the pistol. He then moved next to Officer 1 where they both provided lethal cover towards Briese. At that time, he didn't realize that Officer 2 had also fired rounds during the incident. He said him and Officer 2 remained in this position until Officer 8 put hands on both of their shoulders to take out of the gas station.

Officer 1 said he walked out of the scene where he met with Officer 12. Officer 12 checked on him and assisted him in placing his gear into his car. Officer 1 said he placed his rifle in the vehicle without manipulating anything and Officer 12 secured his body camera. He was driven to the Neenah Police Department where he remained until we met with him. Officer 1 said he hasn't talked about the incident with anyone.

Det. Wittlinger asked Officer 1 if he had ever been to this particular Mobil gas station in the past. Officer 1 said he has been there as a patron and was familiar with the layout and how small the interior was.

This concluded our interview.

EOR31

Supplement

Supplement #19 Scene

Date: 08/02/2023

Time (approximately): 1748

Location: 521 S. Commercial Street

Municipality : City of Neenah

Sergeant: Brian Judd

On the above listed date and time, I, Sergeant Brian Judd was requested by Sheriff Roeseler to respond to Neenah, WI, for an officer involved shooting that our Office was requested to investigate.

RESULT: OIC, Scene of incident

Squad XX Video: No

Body Camera Video: No

Follow up to come: No

Was interview video recorded: No

Handheld Olympus Audio Recording: No

Digital Photos: No
Surveillance Video: No
Phone/Computer Examination: No
Written Statements: No
Forms Distributed: No

NARRATIVE:

I, Sgt. Brian Judd, was contact by LT. Norlander while en route to the Neenah Police Department requesting that I take lead of the physical scene of the incident. Upon arriving at the Police Department I was provided the location of the officer involved shooting 521 S. Commercial Street.

I proceeded to that location and made contact with DCI Special Agent in Charge Jeff Wisch. Agent Wisch provided me with a brief overall of the incident before he had to leave to tend to other duties.

Based on the information I received from Agent Wisch a sufficient inner and outer perimeter had been set by Neenah Police Department to protect the scene.

I met with Sgt. Jeremy Bauman, Neenah PD who provided me with further insight into which vehicles and what parts of the building were involved. We enter the inner perimeter at 1936 hrs to evaluate the scene further. The information provided was that the shooting had transpired inside the gas station while officer were attempting to effect an arrest. We were able to walk up to the outside of the front glass door and view enough of the inside to determine what resources were needed to brief assisting personnel.

Winnebago County Da's Office was consulted on legal authority for processing the scene and a rental vehicle in the parking lot reported to be operating by the deceased party Nathan Briese.

The vehicle was a silver, 2022 Chevrolet, Equinox, Bearing IL Registration FP229238.

The registration plate was ran through Sheboygan County Communication center and informed me the vehicle belonged to [REDACTED]

Neenah Police Department was maintaining a Crime scene log, which I requested that they continue through out the processing of the scene.

The following personal assisted in processing the scene of the shooting.

Wisconsin Department of Justice, Office of Crime Scene Response

Chris Johnson
Natalie Fischer
Yolanda Sanchez
Levi Ingedrigtson
Julie Ovila

Wisconsin State Patrol

Trooper Jeremy VerGowe (TRU)

Winnebago County District Attorney's Office

Deputy District Attorney Christian Gossett

Manitowoc County Sheriff's Office

Detective Michael Herrmann

Criminal Support Specialist Jessica Trzebiatowski

Sheboygan County Sheriff's Office

Detective Tyler Wuestenhagen

Deputy Timothy LaPean

Deputy Cameron Forsythe

Once the majority of the members of the team arrived on scene we briefed and formulated a scene processing plan.

Scene processing began, as investigative information was collected it was passed on to the appropriate personnel. Coordination was provided between interview teams conducting walk throughs of the scene and scene processing teams to minimize disturbance of possible evidence. Once Law enforcement vehicles were available for release LT. Norlander was notified to arrange for their removal from the scene.

The 2022 Chevrolet, [REDACTED] was moved to the Neenah Police Department parking lot until arrangements could be made for them to pick the vehicle up.

Once the scene processing was completed and a final walk through was completed. The gas station was locked up. This occurred at approximately 05:49 hrs. The perimeter was broken down and streets were opened back up for vehicular traffic.

I collected the crime scene log from Officer Caleb Justman. We returned to the Police department with the gas station keys. I spoke with Officer Justman about the fact we should have, who ever turns over the keys to the owners warn them that the scene was still a mess and they may need to bring in a private company.

Supplement

SUPPLEMENT #20

DEPUTY T. LAPEAN #66

I was directed by Property Officer Lackey, to enter the evidence box containing the rifle belonging to Officer 1, documented under Spillman #67393. This was due to non essential items being stored with the rifle as the State Crime Lab only wanted the Rifle. I entered Evidence Room #1 with Lt. Gottsacker and retrieved the box at 2030 hrs. This was done at 2030 hrs and I documented the entry on the log.

At 2034 hrs, I entered the box and removed the Sling, P-Mag, Bag A (single chambered round Hornady 5.56 / NATO), and Bag B (21 rounds Hornady 5.56 / NATO). The Box was re-sealed on 08-16-23 at 2040 hrs. This retrieval was documented on the evidence box and the evidence tag. A photo was also taken of both.

At 2047 hrs, I placed the removed items into a bag that was heat sealed. A new evidence tag was generated and it was affixed to the bag. Lt Gottsacker and I re-entered evidence room #1 at 2100 hrs and the two processed items were left inside. I documented the entry with the log and closed the door upon exit.

08/16/2023

Photos-yes

Supplement

Supplement #21

On 08/03/2023 at approximately 4:00PM I, Sgt. Brian Judd made phone contact with Enterprise Rent A Car, 833 Main St. Neenah, WI 54959, Phone 920-720-8778. I inquired if the 2022 Chevrolet, IL REG FP229238 was part of their fleet. The representative on the phone identified himself as Chase Clark said it was.

It was not rented at the Neenah location though. I informed him the operator was involved in an incident and the vehicle was move to the Neenah Police Department. I requested that they retrieve the vehicle from there parking lot as soon as possible due to them having limited parking space.

Chase informed me that the person who rented the vehicle was a Chris Howe [REDACTED] [REDACTED] Phone 920-960-1257. Chase said they would work on getting the vehicle out of the lot.

Bjudd

Supplement

Supplement #22 Received Reports and Digital Evidence from Manitowoc County Sheriff's Office.

On Thursday, 08/17/2023, at approximately 1200 hours I, Detective Wittlinger, received the Manitowoc County Sheriff's Office (S.O.) reports and digital data from Detective B. Oswald of the Manitowoc County S.O.

Result:

I uploaded the two files on a thumb drive I obtained from Det. Oswald, one file containing the reports and a file labeled "digital data" that contained photographs and audio files of interviews, to digital evidence for this case.

END OF REPORT.

Vehicles

Vehicle Number:

185136

License Plate: FP229238

License Type:

State: IL Expires: **/**/**
 Vehicle Year: ■ VIN:
 Make: ■ Model: ■
 Color: ■ Doors: ■
 Vehicle Type: Value: \$0.00

Owner:
 Last: First: Mid:
 DOB: **/**/** Dr Lie: Address:
 Race: Sex: Phone: City: ,

Agency: SCSD SHEBOYGAN COUNTY Date Recov/Rcvd: **/**/**
 SHERIFFS DEPT

Officer: LAPEAN, T

Area:

UCR Status:

Wrecker Service:

Local Status: SVH SUSPECT VEHICLE

Storage Location:

Status Date: 08/03/23

Release Date: **/**/**

Comments:

Property

Property Number: 180994

Item: 09 DIG PHOTOSLE

Owner Applied Nmbr:

Brand: Model:
 Year: 0 Quantity:
 Meas: Serial Nmbr:
 Total Value: \$0.00 Color:

Owner:
 Agency: SCSD SHEBOYGAN COUNTY Tag Number:
 SHERIFFS DEPT

Accum Amt Recov: \$0.00

Officer: LAPEAN, T

UCR: RAV RECORDINGS, AUDIO OR UCR Status:
 VISUAL

Local Status: EIS

Storage Location:

Crime Lab Number:

Status Date: 08/03/23

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody: *A;B#;.*A A*/A#j*A

Reason:

Comments: PHOTOGRAPHS TAKEN OF RIFLE, HANDGUN, TACTICAL VEST, BODY CAMERA,
 PMAG, BACKPACK AND THE ITEMS CONTAINED WITHIN BACKPACK.
 S228LKW-8/3/2023.

Property Number: 180995

Item: RIFLE Owner Applied Nmbr:

Brand: FN RIFLE **Model:**

Year: 0 **Quantity:** 1

Meas: IT **Serial Nmbr:** FBN030797

Total Value: \$0.00 **Color:**

Owner:

Agency: SCSD SHEBOYGAN COUNTY **Tag Number:**

SHERIFFS DEPT

Accum Amt Recov: \$0.00 **Officer:** LAPEAN, T

UCR: FIR FIREARMS **UCR Status:** SZ

Local Status: EIS **Storage Location:**

Crime Lab Number: **Status Date:** 08/03/23

Date Released: **/**/** **Date Recov/Rcvd:** **/**/**

Released By: **Amt Recovered:** \$0.00

Released To: **CuStody:** ^*:*^:* **/**/**

Reason:

Comments: AR-15/5.556/223). S228LKW-8/3/2023.

Property Number: 180996

Item: HANDGUN Owner Applied Nmbr:

Brand: GLOCK **Model:** 9MM

Year: 0 **Quantity:** 1

Meas: IT **Serial Nmbr:** BGUY131

Total Value: \$0.00 **Color:**

Owner:

Agency: SCSD SHEBOYGAN COUNTY **Tag Number:**

SHERIFFS DEPT

Accum Amt Recov: \$0.00 **Officer:** LAPEAN, T

UCR: FIR FIREARMS **UCR Status:** SZ

Local Status: EIS **Storage Location:**

Crime Lab Number: **Status Date:** 08/03/23

Date Released: **/**/** **Date Recov/Rcvd:** **/**/**

Released By: **Amt Recovered:** \$0.00

Released To: **Custody:** **:*:* **/**/**

Reason:

Comments:

Property Number: 180997

Item: OTHER-MISC Owner Applied Nmbr:

Brand: BODY CAMERA **Model:**

Year: 0 **Quantity:** 1

Meas: IT	Serial Nmbr:
Total Value: \$0.00	Color:
Owner:	
Agency: SCSD SHEBOYGAN COUNTY	Tag Number:
SHERIFFS DEPT	
Accum Amt Recov: \$0.00	Officer: LAPEAN, T
UCR:	UCR Status: SZ
Local Status: EIS	Storage Location:
Crime Lab Number:	Status Date: 08/03/23
Date Released: **/**/**	Date Recov/Rcvd: **/**/**
Released By:	Amt Recovered: \$0.00
Released To:	CTliStOCly: **.*.*.* %*j**j**
Reason:	
Comments:	
Property Number: 180998	
Item: AMMO ROUND	Owner Applied Nmbr:
Brand:	Model:
Year: 0	Quantity: 1
Meas: IT	Serial Nmbr:
Total Value: \$0.00	Color:
Owner:	
Agency: SCSD SHEBOYGAN COUNTY	Tag Number:
SHERIFFS DEPT	
Accum Amt Recov: \$0.00	Officer: LAPEAN, T
UCR: FRA FIREARM ACCESSORIES	UCR Status: SZ
Local Status: EIS	Storage Location:
Crime Lab Number:	Status Date: 08/03/23
Date Released: **/**/**	Date Recov/Rcvd: **/**/**
Released By:	Amt Recovered: \$0.00
Released To:	CuStOdy: A*.*.*.*# #*jH^jH#
Reason:	
Comments: CHAMBERED ROUND. S228LKW-8/3/2023.	
Property Number: 180999	
Item: AMMO ROUND	Owner Applied Nmbr:
Brand:	Model:
Year: 0	Quantity:
Meas:	Serial Nmbr:
Total Value: \$0.00	Color:
Owner:	

Agency: SCSD SHEBOYGAN COUNTY
 SHERIFFS DEPT
Accum Amt Recov: \$0.00
UCR: FRA FIREARM ACCESSORIES
Local Status: EIS
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments: REMAINING ROUNDS FROM RIFLE AND HANDGUN. S228LKW-8/3/2023.

Tag Number:
Officer: LAPEAN, T
UCR Status: SZ
Storage Location:
Status Date: 08/03/23
Date Recov/Rcvd: **/**/**
Amt Recovered: \$0.00
Custody: **.^.^:** *#jH* jH*

Property Number: 181000
Item: BACKPACK

Owner Applied Nmbr:

Brand:
Year: 0
Meas: IT
Total Value: \$0.00
Owner:

Model:
Quantity: 1
Serial Nmbr:
Color:

Agency: SCSD SHEBOYGAN COUNTY
 SHERIFFS DEPT
Accum Amt Recov: \$0.00
UCR: CLO CLOTHES OR FURS
Local Status: EIS
Crime Lab Number:
Date Released: **/**/**
Released By:
Released To:
Reason:
Comments:

Tag Number:
Officer: LAPEAN, T
UCR Status: SZ
Storage Location:
Status Date: 08/03/23
Date Recov/Rcvd: **/**/**
Amt Recovered: \$0.00
OllStudy: **.*.*.H* *#jH*jH*

Property Number: 181001
Item: OTHER-STRT DRUG

Owner Applied Nmbr:

Brand: UNKNOWN
Year: 0
Meas:
Total Value: \$0.00
Owner:

Model:
Quantity:
Serial Nmbr:
Color:

Agency: SCSD SHEBOYGAN COUNTY
 SHERIFFS DEPT
Accum Amt Recov: \$0.00
UCR: DNP DRUG/NARC, OTHER DRUGS

Tag Number:
Officer: LAPEAN, T
UCR Status: SZ

Local Status: EIS
 Crime Lab Number:
 Date Released: **/**/**
 Released By:
 Released To:
 Reason:
 Comments: UNKNOWN TYPE OR WEIGHT OF DRUGS AT THIS TIME. S228LKW-8/3/2023.
 Property Number: 181002
 Item: DRUG PARA
 Storage Location:
 Status Date: 08/03/23
 Date Recov/Rcvd: **/**/**
 Amt Recovered: \$0.00
 Custody: sjesjs • sjesjs • sjejc jjs %/**/**
 Owner Applied Nmbr:

Brand: Model:
 Year: 0 Quantity:
 Meas: Serial Nmbr:
 Total Value: \$150.00 Color:
 Owner:
 Agency: SCSD SHEBOYGAN COUNTY
 SHERIFFS DEPT
 Tag Number:

Accum Amt Recov: \$0.00 Officer: LAPEAN, T
 UCR: DEQ DRUG/NARC EQUIPMENT UCR Status: SZ

Local Status: EIS
 Crime Lab Number:
 Date Released: **/**/**
 Released By:
 Released To:
 Reason:
 Comments: INCLUDING SCALES. S228LKW-8/3/2023.
 Property Number: 181003
 Item: OTHER-MISC
 Storage Location:
 Status Date: 08/03/23
 Date Recov/Rcvd: **/**/**
 Amt Recovered: \$0.00
 Custody: *jic • A•A• A•H• H•H• A•%/*H•
 Owner Applied Nmbr:

Brand: RECEIPTS Model: POTAWATOMI CARD
 Year: 0 Quantity: 3
 Meas: IT Serial Nmbr:
 Total Value: \$0.00 Color:
 Owner:
 Agency: SCSD SHEBOYGAN COUNTY
 SHERIFFS DEPT
 Tag Number:

Accum Amt Recov: \$0.00 Officer: LAPEAN, T
 UCR: OTH OTHER UCR Status: SZ

Local Status: EIS
 Crime Lab Number:
 Date Released: **/**/**
 Released By:
 Storage Location:
 Status Date: 08/03/23
 Date Recov/Rcvd: **/**/**
 Amt Recovered: \$0.00

Released To:

Custody: *s:s :+^:*s:s sjs*^sjs^sjs sjs

Reason:

Comments: 2 RECEIPTS AND A POTAWATOMI CARD FOUND IN VEHICLE. S228LKW-8/3/2023.

Property Number: 181004

Item: KNIFE

Owner Applied Nmbr:

Brand:

Model:

Year: 0

Quantity: 1

Meas: IT

Serial Nmbr:

Total Value: \$0.00

Color:

Owner:

Agency: SCSD SHEBOYGAN COUNTY
SHERIFFS DEPT

Tag Number:

Accum Amt Recov: \$0.00

Officer: LAPEAN, T

UCR: OTH OTHER

UCR Status: SZ

Local Status: EIS

Storage Location:

Crime Lab Number:

Status Date: 08/03/23

Date Released: **/**/**

Date Recov/Rcvd: **/**/**

Released By:

Amt Recovered: \$0.00

Released To:

Custody *B:*c:*#* **/^/**

Reason:

Comments: FOUND IN VEHICLE. S228LKW-8/3/2023.

Name Involvements:

Victim : 314652

Last: BRIESE

First: NATHAN

Mid: J

DOB: [REDACTED]

Dr Lie:

Address:

Race: [REDACTED] Sex: [REDACTED]

Phone: ()-

City: ,

Referenced : 112824

Last: WINNEBAGO
CO CORONERS
OFFICE

First:

Mid:

JQg: **/**/**

Dr Lie:

Address: 448 ALGOMA BLVD

Race: Sex:

Phone: (920)312-0850

City: OSHKOSH, WI 54901

Contact : 243532

Last: THEDA CLARK
MEDICAL
CENTER

First:

Mid:

JQg: **/**/**

Dr Lie:

Address: 130 2ND ST

Race: U Sex: U

Phone: (920)729-3100

City: NEENAH, WI 54956

Other Agency :18623

Last: WINNEBAGO CO SD	First:	Mid:
DQg: **/**/**	Dr Lie:	Address: 4311 JACKSON ST
Race: U Sex: U	Phone: (920)236-7300	City: OSHKOSH, WI 54901
Contact : 314654		
Last: LARRYS LIVERY SERVICE INC	First:	Mid:
DQg: **/**/**	Dr Lie:	Address: 715 EAST NEWBERRY ST
Race: Sex:	Phone: () -	City: APPLETON, WI 54911
Contact : 314655		
Last: KEATOR	First: NICHOLAS	Mid:
DQg: **/**/**	Dr Lie:	Address:
Race: Sex: M	Phone: () -	City: ,

Other Agency :28700

Last: WI STATE PATROL	First:	Mid:
DQg: **/**/**	Dr Lie:	Address: 851 S ROLLING MEADOWS DR
Race: U Sex: U	Phone: (920)929-3703	City: FOND DU LAC, WI 54936

Other Agency :46390

Last: NEENAHPD	First:	Mid:
DOB: **/**/**	Dr Lie:	Address: 2111 MARATHON ST
Race: U Sex: U	Phone: (920)886-6000	City: NEENAH, WI 54956

Other Agency :2307

Last: SHEBOYGAN PD	First:	Mid:
DQg: **/**/**	Dr Lie:	Address: 1315 N 23RD ST; STE 101
Race: Sex: U	Phone: (920)459-3333	City: SHEBOYGAN, WI 53081

Other Agency :174039

Last: MANITOWOC CO SO	First:	Mid:
DOB: **/**/**	Dr Lie:	Address: 1025 S 9THST
Race: U Sex: U	Phone: (920)683-4201	City: MANITOWOC, WI 54220

08/21/23
13:02

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

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Page: 1

Call Number: 1116367

Nature: FOLLOW UP
Reported: 12:45:23 08/03/23
Rcvd By: GUILLEN, J How Rcvd: O
Occ Btwn: 12:45:23 08/03/23 and 12:45:23 08/03/23
Type: 1
Priority: 5

Address: 222 S WALNUT ST; APPPLETON PD S23-11152
City:

Alarm:

COMPLAINANT/CONTACT

Complainant: , Name#:
Race: Sex: DOB: **/**/**
Address: ,
Home Phone: Work Phone:

Contact:
Address:
Phone:

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
GUILLEN, J	12:45:23 08/03/23	S128	ARRV		SCSD	On-site call=1311
GUILLEN, J	12:45:24 08/03/23	S128	VHIN		SCSD	plate=;APPLETON state=PD
GUILLEN, J	12:47:43 08/03/23	S128	ENRT	FOUT	SCSD	call=1311
WUESTENHAG	16:37:55 08/03/23	S128	ARRV	FOUT	SCSD	(MDC) Arrived on scene call=1311
WUESTENHAG	16:38:17 08/03/23	S128	CMPL	FOUT	SCSD	(MDC) Completed call call=1311

COMMENTS

12:47:03 08/03/2023 - GUILLEN, J
Address change from 222 S Walnut St to OU
12:47:29 08/03/2023 - GUILLEN, J
Address change from OU to 222 S WALNUT ST; APPPLETON PD S23-11152

UNIT HISTORY

Unit	Time/Date	Code
S128	12:45:23 08/03/23	ARRV
S128	12:45:24 08/03/23	VHIN
S128	12:47:43 08/03/23	ENRT
S128	16:37:55 08/03/23	ARRV
S128	16:38:17 08/03/23	CMPL

08/21/23
13:02

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
Page: 2

RESPONDING OFFICERS

Unit Officer

S128 WUESTENHAGEN, T

INVOLVEMENTS

Type Record# Date Description Relationship

LW S23-11152 08/03/23 ASSIST S23-11152 2111 Marath 222 S WALNUT ST

08/21/23
13:03

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
Page: 1

Call Number: 1116683

Nature: FOLLOW UP
Reported: 10:32:31 08/04/23
Rcvd By: BRUNGRABER, M How Rcvd: O
Occ Btwn: 10:32:31 08/04/23 and 10:32:31 08/04/23
Type: 1
Priority: 5

Address: 126 N MAIN ST;S23-11152
City: FOND DU LAC

Alarm:

COMPLAINANT/CONTACT

Complainant: , Name#:
Race: Sex: DOB: **/**/**
Address: ,
Home Phone: Work Phone:

Contact:
Address:
Phone:

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
BRUNGRABER	10:32:31 08/04/23	S031	ARRV		SCSD	On-site call=1071
BRUNGRABER	10:32:31 08/04/23	S217	ARRV		SCSD	On-site call=1071
WITTLINGER	15:08:41 08/04/23	S217	CMPL	SOUT	SCSD	(MDC) Completed call call=1071
NELSON, MI	15:08:53 08/04/23	S031	CMPL	SOUT	SCSD	(MDC) Completed call call=1071

UNIT HISTORY

Unit	Time/Date	Code
S031	10:32:31 08/04/23	ARRV
S031	15:08:53 08/04/23	CMPL
S217	10:32:31 08/04/23	ARRV
S217	15:08:41 08/04/23	CMPL

RESPONDING OFFICERS

Unit	Officer
S031	NELSON, MISTY
S217	WITTLINGER, K

INVOLVEMENTS

Type	Record#	Date	Description	Relationship
------	---------	------	-------------	--------------

08/21/23
13:03

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

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2

LW S23-11152 08/04/23 ASSIST S23-11152 2111 Marath 126 N MAIN ST

08/21/23
13:04

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
Page: 1

Call Number: 1116622

Nature: FOLLOW UP
Reported: 06:08:25 08/04/23
Rcvd By: TOTTEN, ROSS How Rcvd: O
Occ Btwn: 06:08:25 08/04/23 and 06:08:25 08/04/23
Type: 1
Priority: 5

Address: 1715 E NEWBERRY;APPLETON;S23-11152
City: APPLETON

Alarm:

COMPLAINANT/CONTACT

Complainant: , Name#:
Race: Sex: DOB: **/**/**
Address: ,
Home Phone: Work Phone:

Contact:
Address:
Phone: () -

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
TOTTEN, RO	06:08:37 08/04/23	S128	ARRV	SOUT	SCSD	On-site call=441
WUESTENHAG	06:09:54 08/04/23	S128	29	ROV	SCSD	MDC: name=BRIESE, NATHAN J
WUESTENHAG	06:09:55 08/04/23	S128	NMIN	ROV	SCSD	MDC: name=BRIESE, NATHAN J
WUESTENHAG	07:28:34 08/04/23	S128	ENRT	SOUT	SCSD	(MDC) Aurora Elkhorn call=441
WUESTENHAG	09:33:18 08/04/23	S128	ARR	SOUT	SCSD	(MDC) Aurora Elkhorn
WUESTENHAG	14:18:04 08/04/23	S128	ENRT	SOUT	SCSD	(MDC), call=441
WUESTENHAG	14:18:10 08/04/23	S128	CMPL	SOUT	SCSD	(MDC) Completed call call=441

UNIT HISTORY

Unit	Time/Date	Code
S128	06:08:37 08/04/23	ARRV
S128	06:09:54 08/04/23	29
S128	06:09:55 08/04/23	NMIN
S128	07:28:34 08/04/23	ENRT
S128	09:33:18 08/04/23	ARR
S128	14:18:04 08/04/23	ENRT
S128	14:18:10 08/04/23	CMPL

08/21/23
13:04

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

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2

RESPONDING OFFICERS

Unit Officer

S128 WUESTENHAGEN, T

INVOLVEMENTS

Type Record# Date Description Relationship

LW S23-11152 08/04/23 ASSIST S23-11152 2111 Marath 1715 E NEWBERRY

08/21/23
13:06

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
Page: 1

Call Number: 1117515

Nature: FOLLOW UP
Reported: 08:07:09 08/07/23
Rcvd By: VANDRIE, A L How Rcvd: T
Occ Btwn: 08:07:09 08/07/23 and 08:08:15 08/07/23
Type: 1
Priority: 5

Address: 222 S WALNUT STREET; S23-11152
City: APPLETON

Alarm:

COMPLAINANT/CONTACT

Complainant: , Name#:
Race: Sex: DOB: **/**/**
Address: ,
Home Phone: Work Phone:

Contact:
Address:
Phone:

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
VANDRIE, A	08:08:26 08/07/23	S031	ASSG	SOUT	SCSD	ASSIGNED TO A CALL call=721
VANDRIE, A	08:08:26 08/07/23	S217	ASSG	SOUT	SCSD	ASSIGNED TO A CALL call=721
VANDRIE, A	08:08:54 08/07/23	S031	ASSG	SOUT	SCSD	Assigned as Responsible Unit for call 1117515
VILLA, T	08:50:34 08/07/23	S031	ENRT	SOUT	SCSD	call=721
VILLA, T	08:50:34 08/07/23	S217	ENRT	SOUT	SCSD	call=721
VILLA, T	13:20:07 08/07/23	S031	ARRV	SOUT	SCSD	call=721
VILLA, T	13:20:07 08/07/23	S217	ARRV	SOUT	SCSD	call=721
NELSON, MI	15:40:55 08/07/23	S031	CMPL	SOUT	SCSD	(MDC) Completed call call=721
WITTLINGER	15:42:38 08/07/23	S217	CMPL	SOUT	SCSD	(MDC) Completed call call=721

COMMENTS

08:07:31 08/07/2023 - VANDRIE, A L
misty nelson, s217, s031, appleton pd, s23-11152
08:08:16 08/07/2023 - VANDRIE, A L
Address change from 222 S WALNUT STREET to 222 S WALNUT STREET; S23-11152

UNIT HISTORY

Unit	Time/Date	Code
S031	08:08:26 08/07/23	ASSG
S031	08:08:54 08/07/23	ASSG

08/21/23
13:06

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

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S031	08:50:34	08/07/23	ENRT
S031	13:20:07	08/07/23	ARRV
S031	15:40:55	08/07/23	CMPL
S217	08:08:26	08/07/23	ASSG
S217	08:50:34	08/07/23	ENRT
S217	13:20:07	08/07/23	ARRV
S217	15:42:38	08/07/23	CMPL

RESPONDING OFFICERS

Unit Officer

S031 NELSON, MISTY
S217 WITTLINGER, K

INVOLVEMENTS

Type Record# Date Description Relationship

LW S23-11152 08/07/23 ASSIST S23-11152 2111 Marath APPLETON PD



SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT

Incident S23-11152

Nature: ASSIST
Location:

Address: 2111 Marathon Ave; NEENAH PD
NEENAH WI 54956

Offense Codes: 9824

Received By: GUILLEN, J

How Received: N

Agency: SCSD

Responding Officers: NORLANDER, C, HATCH, NATHAN, JUDD, BRIAN, NELSON, MISTY, WITTLINGER, K,
WIELAND, SCOTT, WUESTENHAGEN, T, FORSYTHE, C D, LAPEAN, T

Responsible Officer: NORLANDER, C

Disposition: CLO 10/06/23

When Reported: 18:04:13 08/02/23

Occurred Between: 18:04:13 08/02/23 and 18:06:29 08/02/23

Assigned To:

Detail:

Date Assigned: **/**/**

Status:

Status Date: **/**/**

Due Date: **/**/**

Complainant:

Last:

First:

Mid:

DOB: **/**/**

Dr Lie:

Address:

Race:

Sex:

Phone:

City: ,

Offense Codes

Reported:

Observed: 5299 WEAPON OFFENSE

Additional Offense: 9824 DEPARTMENT
INFORMATION

Circumstances

Responding Officers:

Unit :

NORLANDER, C

S221

HATCH, NATHAN

SI12

JUDD, BRIAN

S132

NELSON, MISTY

S031

WITTLINGER, K

S217

WIELAND, SCOTT

S110

WUESTENHAGEN, T

S128

FORSYTHE, C D

S129

LAPEAN, T

S066

Responsible Officer: NORLANDER, C

Agency: SCSD

Received By: GUILLEN, J
How Received: N OFCR IN PERSON
When Reported: 18:04:13 08/02/23
Judicial Status:
Misc Entry:

Last Radio Log: 09:31:40 08/03/23 CMPLT
Clearance:
Disposition: CLO Date: 10/06/23
Occurred between: 18:04:13 08/02/23
and: 18:06:29 08/02/23

Modus Operandi:

Description :

Method :

Involvements

Date	Type	Description	
09/01/23	Cad Call	08:04:58 09/01/23 FOLLOW UP	APPLETON PD
08/24/23	Cad Call	10:51:47 08/24/23 FOLLOW UP	126 N MAIN ST FDL

Supplement

Supplement #23 - Return of Firearms

On 08/08/2023 at 1449 Hrs, I, Sgt. Brian Judd returned firearms and ammo previously collected from from officer's involved in this incident to WI DOJ SAC Jeremiah Winscher. The following firearms and ammo were returned. A medical bag was also returned that was located on scene belonging to a member of LWAMEG.

Officer 3, Glock 9mm, 8 rounds, 1 magazine
Officer 4, Glock 9mm, 12 rounds, 1 magazine
Officer 1, Glock 9mm, 16 rounds, 1 magazine
Officer 2, Glock 9mm, 18 rounds, 1 magazine

Supplement

Supplement #24 - Report from Ripon Police Department

On 08/04/2023, I, Sgt. Brian Judd was sent an email from Lt. Corey Norlander in regards to a Ripon Police Department Report involving Nathan Briese. This report was also forwarded to the lead investigators on this incident.

The report was in regards to a subject reporting that a subject he knew as Nathan Briese had been providing him bad checks which he was cashing and providing the money back to Nathan Briese. During one of there meets on 05/04/2023, the reporting party was shown a gun, that was in the glove box of the vehicle.

A copy of the report and written statement will be added to this case for historical purposes, documenting Nathan Briese previously possessing a firearm when prohibited.

Supplement

Supplement #25 - Request for Phone

On 08/15/2023 I, Sgt. Brian Judd received a phone call from a party who verbally Identified herself as [REDACTED], informing me that the phone used by Nathan Briese was owned by her. She was identified as [REDACTED] [REDACTED].

[REDACTED] Informed me that she was paying for and owned the phone that Nathan Briese was using. She wanted to know if we had a phone and I informed her yes. She was asking that when the case was resolved that the phone be returned to her since she owned it and was still paying on it. I informed her we could see what we could do if the time comes that we will be releasing it. I informed her we would need some type of documentation, from the phone company that the phone belonged to her and she was paying for it. I asked her if she knew what the pin was for the device and she said no.

Supplement

SUPPLEMENT #26 - CRIME LAB SUBMISSION

On August 22, 2023, I, Property Officer Kelly Lackey, submitted the following item(s) to the State Crime Lab under their case number R23-2255.

Item A - 67356 - gold Hornady 5.56 Nato #1
Item B - 67357 - silver Speer 17 .223 Rem #2
Item C - 67358 - silver Speer 17 .223 Rem #3
Item D - 67359 - silver Speer 17 .223 Rem #4
Item E - 67361 - silver Speer 17 .223 Rem #6
Item F - 67363 - bullet fragment #8
Item G - 67365 - bullet fragment #10
Item H - 67366 - bullet fragment #11
Item I - 67367 - gold Hornady 5.56 Nato #12
Item J - 67369 - gold Hornady 5.56 Nato #14
Item K - 67370 - gold Hornady 5.56 Nato #15
Item L - 67372 - gold Hornady 5.56 Nato #17
Item M - 67376 - bullet fragment #20
Item N - 67377 - bullet fragment #21
Item O - 67378 - bullet fragment #22
Item P - 67379 - bullet fragment #23
Item Q - 67381 - silver Speer 17 .223 Rem #24
Item R - 67382 - silver Speer 17 .223 Rem #25
Item S - 67383 - bullet fragment #26
Item T - 67384 - bullet fragment #27
Item U - 67385 - bullet fragment #28
Item V - 67539 - fired bullet recovered from body at autopsy
Item W - 67393 - FN AR-15 rifle
Item X - 67397 - Loyal 9 rifle

Supplement

Supplement #27 - Winnebago County Dispatch Records

On 08/24/2023, I Sgt. Brian Judd obtained records from Winnebago County Communications center. The records were the cad call notes, radio traffic and 911 call. These records were placed in digital evidence.

bjjudd

Supplement

Supplement #28- Final meeting with Officer 3, Officer 1, and Officer 4

On Thursday, August 24th, 2023, I, Detective Misty Nelson along with Detective Kevin Wittlinger conducted follow up by meeting with Officer 1, Officer 4 and Officer 3, along with their respective representation at the Fond du Lac Police Department. These meetings were conducted separately and had been pre-arranged for the purpose of these officers reviewing the report created by us from their official interviews.

In the beginning of each meeting, it was explained that they could review the report, make any grammatical or factual corrections however we would not be making any factual additions without further documenting that in a new supplement. Each investigator was given a paper copy of their report and given time to discuss it with their representation in private. After we met with each investigator, they had informed us of minor corrections but none of them requested factual additions.

After each investigator reviewed their report with us and we discussed any minor changes, all three had requested to see the surveillance video from the gas station.

I had prepared for this request by having the password protected thumb drive containing the surveillance video from the gas station, Officer 1's body camera video, a video summary previously prepared by Detective Tyler Wuestenhagen and 2 screenshots from the body cam footage in my possession. Detective Wittlinger informed each of them that we still have not had our final meeting with Officer 2 and do not want them to discuss what they observe in the videos with him. They all agreed not to discuss it with Officer 2. I gave them the option of what videos they wanted to see and in what order. Each of them decided to watch in this order:

- 1- Overall gas station surveillance video from the view above the entrance door facing towards the back cooler wall.
- 2- Officer 1's body camera video
- 3- Video summary prepared by Detective Wuestenhagen
- 4- The 2 screenshots from Officer 1's body camera

Once they were completed with the video, we answered any logistical questions they had and ended our meeting.

The minor changes to the reports were completed and reports are final.

EOR31

Supplement

Supplement #29 Toxicology Report from Nathan Briese Autopsy.

On Monday, 08/28/2023, I, Detective Wittlinger, received the Toxicology Report completed by NMS Labs.

Result:

The report was placed into digital evidence for this case. Upon viewing the report it indicates positive findings for Benzoyllecgonine, Cocaine, Methamphetamine, Amphetamine, and presumptive positive findings for Caffeine, Cotinine, Cocaine Metabolites, and Amphetamines.

Evidence:

Toxicology Report

Narrative:

I read the report and observed that it was for Nathan Briese and was issued on 08/28/2023. The report was completed by NMS Labs in Horsham, Pennsylvania. The specimens were received by NMS Labs on 08/08/23.

Regarding the results, the positive results indicated the following:

- Benzoyllecgonine at 4300 ng/mL and the matrix source was cavity blood.
- Cocaine at 330 ng/mL and the matrix source was cavity blood.
- Amphetamine 10 ng/mL and the matrix source was cavity blood.
- Methamphetamine 28 ng/mL and the matrix source was cavity blood.

The four presumptive positive results indicated the following:

Caffeine ng/mL and the matrix source was cavity blood, Cotinine ng/mL and the matrix source was cavity blood, and Cocaine/Metabolites and Amphetamines with the matrix source being urine. There was no quantitatively numbers provided for the items with a presumptive positive result.

The reference comments within the report indicate Amphetamine is a central nervous system stimulant as well as a metabolite of methamphetamine. Benzoyllecgonine (cocaine degradation product) is an inactive metabolite and chemical breakdown product of cocaine.

For further details the report is available.

END OF REPORT.

Supplement

Supplement #30- Final meeting with Officer 2

On Friday, September 1st, 2023, I, Detective Misty Nelson along with Detective Kevin Wittlinger conducted follow up by meeting with Officer 2, along with WPPA Business Agent Thomas Shrank and WPPA Director of Legal & Field Services Roger Palek at the Appleton Police Department. The meeting had been pre-arranged for the purpose of reviewing the report created from their official interview.

Upon the beginning of the meeting, it was explained that they could review the

report, make any grammatical or factual corrections however we would not be making any factual additions without further documenting that in a new supplement report. We provided them with a paper copy of the report and given time to discuss it in private. When they were completed, we sat down and discussed any changes. They had pointed out minor corrections but did not request factual additions.

Once we were completed with the report portion of our meeting, the request had been made to view video from the incident. I was still in possession of the password protected thumb drive containing the surveillance video from the gas station, Officer 1's body camera video, a video summary previously prepared by Det. Tyler Wuestenhagen and 2 screenshots from the body cam footage. The video was shown to them in the order I had just listed.

Once the videos were complete and there were no questions, we ended our meeting. The minor changes to the report were completed making the report final.

EOR31

Supplement

Supplement #31 Nathan Briese's handgun eTrace submission and NCIC check.

On Wednesday, 09/13/2023, I, Detective Wittlinger submitted the handgun used by Nathan Briese into the ATF's online firearm E-Trace submission. I also had dispatch run the gun through NCIC to check for wants/stolen status.

Result:

The handgun, a Smith&Wesson MP Shield EZ M2.0 model 9mm pistol with serial number RER2736 was ran through NCIC by dispatch and no record was found.

The pistol was also submitted for E-Trace with the ATF. The results are anticipated to be approximately 15 days out. The submission request number is T20230488549.

END OF REPORT.

Supplement

Supplement #32 - ATF ETrace T20230488549 results.

On Tuesday, 09/26/23, I, Detective Wittlinger, obtained the trace results from the ATF for the handgun Nathan Briese possessed.

Result:

The trace results were added to records for this incident.

Narrative:

The trace summary provided by the ATF states the firearm was traced to a purchaser, however, the final federal firearms licensee (FFL) has only partial disposition information. The FFL reported a disposition of the firearm to an individual; however, no ATF Form 4473 for the transaction could be found.

I looked up ATF Form 4473 and learned it is a Firearms Transaction Record, a

seven page form required by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to be completed when a person proposes to purchase a firearm from a Federal Firearms License (FFL) holder, such as a gun dealer.

The trace lists three dealers. Dealer 1 is Smith & Wesson, the manufacturer of the handgun. Dealer 2 is listed as Bass Pro Shops Outdoor World, 2500 E Kearney Street, Springfield, MO 65898 Telephone (417) 873-5000. The third dealer is listed as Cabela's 418, Cabela's Wholesale LLC, One Cabela Way, Richfield, WI 53076 (262) 628-5700.

The purchaser information provided is Lakeitha Deloris Holt with an address of [REDACTED]. It shows a purchase date of 07/31/2021. There was 732 days between the purchase by Lakeitha on 07/31/21 and the recovery of the weapon from Nathan Briese on 08/02/23. There is no additional information for Lakeitha.

END OF REPORT.

Supplement

Return of Officer 1 and Officer 2's property.

On Wednesday, 10/11/2023, at approximately 1400 hours Det. Nelson and I met with Officer 2 and Officer 1 at the Sheboygan County Sheriff's Office.

Result:

The remaining property on hand as well as their respective rifles that had been sent to the Wisconsin State Crime Lab were returned to them. Property receipts were completed and signed by each for their property and given to Property Officer Lackey. With this action there is no additional property belonging to any of the law enforcement officers involved in this incident held by the Sheboygan County Sheriff's Office.

END OF REPORT.

10/12/23
13:55

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
Page: 1

Call Number: 1124440

Nature: FOLLOW UP
Reported: 08:04:58 09/01/23
Rcvd By: LISOWE, TRACY How Rcvd: O
Occ Btwn: 08:04:58 09/01/23 and 08:04:58 09/01/23
Type: 1
Priority: 5

Address: 222 S WALNUT; APPLETON PD;S23-11152
City: APPLETON

Alarm:

COMPLAINANT/CONTACT

Complainant: , Name#:
Race: Sex: DOB: **/**/**
Address: ,
Home Phone: Work Phone:

Contact:
Address:
Phone: () -

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
LISOWE, TR	08:05:14 09/01/23	S031	ARRV	ECA	SCSD	On-site call=591
LISOWE, TR	08:05:14 09/01/23	S217	ARRV	ECA	SCSD	On-site call=591
NELSON, MI	14:10:29 09/01/23	S031	CMPL	ECA	SCSD	(MDC) Completed call call=591
PARKER, HO	14:15:17 09/01/23	S217	CMPL	ECA	SCSD	

UNIT HISTORY

Unit	Time/Date	Code
S031	08:05:14 09/01/23	ARRV
S031	14:10:29 09/01/23	CMPL
S217	08:05:14 09/01/23	ARRV
S217	14:15:17 09/01/23	CMPL

RESPONDING OFFICERS

Unit	Officer
S031	NELSON, MISTY
S217	WITTLINGER, K

INVOLVEMENTS

Type	Record#	Date	Description	Relationship
LW	S23-11152	09/01/23	ASSIST S23-11152 2111 Marath	APPLETON PD

10/12/23
13:56

SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT
CALL DETAIL REPORT

4282
Page: 1

Call Number: 1122297

Nature: FOLLOW UP
Reported: 10:51:47 08/24/23
Rcvd By: GEIGER, D How Rcvd: O
Occ Btwn: 10:51:47 08/24/23 and 10:51:47 08/24/23
Type: 1
Priority: 5

Address: 126 N MAIN ST;S23-11152
City: FOND DU LAC

Alarm:

COMPLAINANT/CONTACT

Complainant: , Name#:
Race: Sex: DOB: **/**/**
Address: ,
Home Phone: Work Phone:

Contact:
Address:
Phone: () -

RADIO LOG

Dispatcher	Time/Date	Unit	Code	Zone	Agnc	Description
GEIGER, D	10:56:42 08/24/23	S031	ARRV	SOUT	SCSD	On-site call=911
GEIGER, D	10:56:42 08/24/23	S217	ARRV	SOUT	SCSD	On-site call=911
NELSON, MI	15:40:08 08/24/23	S031	CMPL	SOUT	SCSD	(MDC) Completed call call=911
WITTLINGER	15:40:44 08/24/23	S217	CMPL	SOUT	SCSD	(MDC) Completed call call=911

UNIT HISTORY

Unit	Time/Date	Code
S031	10:56:42 08/24/23	ARRV
S031	15:40:08 08/24/23	CMPL
S217	10:56:42 08/24/23	ARRV
S217	15:40:44 08/24/23	CMPL

RESPONDING OFFICERS

Unit	Officer
S031	NELSON, MISTY
S217	WITTLINGER, K

INVOLVEMENTS

Type	Record#	Date	Description	Relationship
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