



PRESS RELEASE –OFFICER INVOLVED SHOOTING

On January 16, 2020, an officer involved shooting took place at 1425 North 12th Avenue in the City of Wausau, Marathon County, Wisconsin. The incident involved law enforcement officers from the Wausau Police Department and Marathon County Sheriff's Office. Wausau Police Officer Shawn Pierschalla responded to a report of an individual trying to enter into the reporting party's vehicle by pulling on the vehicle's door handle. The reporting party stated that this occurred on Arctic Lane in the City of Wausau. Officer Pierschalla responded to the area and made contact with the reporting party. The reporting party described the suspect as a tall, thin white male wearing a black stocking cap and dark sweatshirt. The male was not able to gain entry to the vehicle and the reporting party observed the male run through the backyard of a nearby residence. Marathon County Sheriff's Deputy Brandon Stroik arrived to assist Officer Pierschalla in searching for the suspect.

After checking southbound on North 12th Avenue, Officer Pierschalla and Deputy Stroik began to walk back northbound on North 12th Avenue toward the Urban West Apartment Complex located at 1425 North 12th Avenue. The Apartment Complex has an underground parking area with a key card access. Officer Pierschalla and Deputy Stroik walked into the driveway of the Apartment Complex as a resident in her vehicle was gaining access to the underground parking area. The underground garage area door opened and the resident vehicle entered to park. Deputy Stroik walked into the lot which leads into the underground parking area. To his left there was a brick wall which was connected to the Apartment Complex. Attached to the brick wall, and in front of Deputy Stroik, was a brick retaining wall with an open and accessible area behind it.

As Officer Pierschalla began to enter the underground parking garage, Deputy Stroik approached the brick retaining wall to search behind it. Deputy Stroik approached the end of the wall and observed an individual with a gun pointed at him. Deputy Stroik retreated, drew his weapon and simultaneously announced "gun" "gun" "gun". In an attempt to gain cover, Officer Pierschalla and Deputy Stroik retreated into the underground parking garage area while firing at the brick wall. The individual behind the wall pointed the gun from behind the wall toward the officers and fired his handgun at the officers. Even after the officers retreated into the parking garage, the individual continued to fire his handgun at the officers.

A civilian vehicle approached the driveway to enter the parking area of the Apartment Complex while the gunfire was occurring. The individual behind the wall was directly across from the vehicle and fired at the vehicle striking the vehicle's hood.

Officer Pierschalla and Deputy Stroik continued to fire at the individual who remained concealed except for his gun protruding from behind the wall. The civilian vehicle backed out of the driveway.

The individual emerged from behind the wall and began to run across the parking lot. As he ran, he turned and fired his handgun at Officer Pierschalla and Deputy Stroik. The officers returned fire. The individual went to the ground in the parking lot with his handgun visibly still present in his hand. The individual on the ground continued to fire at Officer Pierschalla and Deputy Stroik. Then Officer Pierschalla observed the individual's handgun slide was locked back.

Officer Pierschalla, Deputy Stroik and additional responding officers repeatedly commanded and pleaded with the individual to drop his weapon. The individual did not drop his weapon. The individual continued to move on the ground and, at one point, he sat up and looked in the direction of Officer Pierschalla and Deputy Stroik. Officers observed the gun slide was still locked back and determined they would try to fire a series of less lethal rounds at the individual. The officers hoped the less lethal rounds would compel the individual's compliance in dropping the weapon and allow the officers the opportunity to safely take the individual into custody and provide medical attention.

Multiple officers yelled and announced "less lethal". The individual on the ground remained on his back. Responding Wausau Police Officer Ben Price heard the sound of the gun slide being positioned forward into an active position. Officer Pierschalla observed that the individual had manipulated the gun and the slide was now forward and in a ready to fire position. Multiple officers continued to yell to the individual to drop his weapon. The individual on the ground raised the firearm from his body and motioned the firearm toward the direction of the responding officers at the scene.

The following responding officers fired rounds at the suspect: Marathon County Sheriff Lieutenant Steve DeNovi; Deputy Stroik; Wausau Police Officers Horejs and Price. The suspect rolled onto his stomach with the handgun underneath him. After the gunfire ceased, Deputy James Toth fired less lethal bean bag rounds at the individual to assess whether it was now safe to approach the suspect. Emergency Medical Services had arrived on the scene. The suspect did not react to being hit by the less than lethal rounds and, therefore, law enforcement, armed with shields, approached the individual. Upon contact, the suspect was placed in handcuffs. He was pronounced dead at the scene.

INVESTIGATION AND REVIEW

As a result of the incident, and pursuant to the laws of the State of Wisconsin, a comprehensive investigation was undertaken by the Department of Justice, Division of Criminal Investigation (DCI). The Marathon County Sheriff's Office and the Wausau Police Department requested the assistance of DCI pursuant to Wisconsin Statutes § 175.47, which requires investigation into a law enforcement officer-involved death be conducted by an agency independent from the agency that employs the law enforcement officer involved. Further, Wisconsin Statute § 175.47(5)(a) requires that

the investigation reports from an officer-involved death be provided to the district attorney of the county in which the officer-involved death occurred. Upon review, in accordance with Wisconsin Statutes § 175.47(5)(b), the district attorney for the county in which the officer-involved death occurred is to determine whether there is a basis to prosecute the law enforcement officer involved.

The investigation included, but was not limited to, witness interviews, photographs of the scene, evidence collection documentation, squad and body camera video, and Wisconsin Crime Laboratory Testing.

The Scene

The scene was located at the Urban West Apartment Complex, 1425 North 12th Avenue, City of Wausau, Marathon County, Wisconsin. The scene consisted of the underground parking garage, the driveway/access area for the garage and the portion of 12th Avenue located immediately west from the driveway/access area. The apartment complex driveway was located along the south side of the building and was bordered by a concrete wall to the east, an open snow-covered field to the south, and North 12th Avenue to the west. An enclosed refuse area was positioned in the southeast corner of the driveway against the concrete wall and contained four dumpsters. The refuse enclosure was constructed with metal posts and wood framing. A brick and concrete partition was extended south from the apartment complex on the eastern ½ of the building and shielded utility equipment located within the alcove the building created.

Fatality

On Friday, January 17, 2020, DCI Special Agents Tami Sleeman and Jed Roffers were requested to provide formal death notification to the immediate family of Jack D. Bolinger, DOB: 7/7/1984. Special Agents Sleeman and Roffers spoke with Mr. Bolinger's immediate family who confirmed that Mr. Bolinger had a "420" tattoo on his leg.

Dr. Robert Corliss, Forensic Pathologist with the University of Wisconsin Anatomic Pathology Laboratory, performed the autopsy on Mr. Bolinger and found that Mr. Bolinger's cause of death was multiple gunshot wounds (at least 13).

Background Information

On Friday January 17, 2020, DCI Special Agents Tami Sleeman and Jed Roffers spoke with Mr. Bolinger's father. He stated that he had contact with his son, Mr. Bolinger, on the afternoon of January 16, 2020 at approximately 4:00 p.m. Mr. Bolinger had asked his father for some "gas money". Mr. Bolinger had also recently asked to borrow one of his father's firearms and his father refused to provide one.

Later in the day on January 17, 2020, Mr. Bolinger's parents requested to speak again with agents. DCI Special Agents Sleeman and Carl Waterstreet spoke with his

parents. Mr. Bolinger's mother stated that Jack had been in a car accident approximately 15 years ago. At that time he was put on prescription pain medication and that was the start of his addiction with pain medication. Mr. Bolinger then moved out of state and was introduced to heroin. In August 2019, Mr. Bolinger went to a drug rehabilitation clinic. According to Jack's mother, after release from the clinic, Mr. Bolinger was able to stay clean from using drugs from August 2019 through October 2019. On January 12, 2020, Mr. Bolinger's mother let him borrow her vehicle. On January 16, 2020, Mr. Bolinger's mother reported that he called and said something was going on and he needed a plane ticket. He later said he ran out of gas on Camp Phillips Road. He said he forgot his wallet and needed gas money and he did not have any money with him. His mother said he sounded "paranoid" and asked for \$30.00 for gas. Mr. Bolinger's father then wired \$50.00 to him via Walmart. He said he could not go to Walmart because he was being followed and said "we're under siege". Mr. Bolinger's parents said that in their phone calls with him on January 16, 2020, he did not sound like himself.

On January 20, 2020, DCI Special Agent Shane Heiser and Marathon County Sheriff's Detective Matthew Anderson interviewed a female that Mr. Bolinger was reportedly currently in a relationship with. She reported that Mr. Bolinger had an addiction to opiates for several years. She said that she carried Narcan with her because of Mr. Bolinger's addiction to opiates. She said she believed that Mr. Bolinger was clean of opiates for the last thirty days and was unaware of his use of any other drugs. She said she was with Mr. Bolinger the morning of January 16, 2020 at their residence in Stratford. Mr. Bolinger left the residence alone in Mr. Bolinger's mother's car. He was supposed to go meet with his defense attorney in Wausau between 1:00 pm and 3:00 pm to discuss his Marathon County disorderly conduct charge. Sometime between 1:00 pm and 3:00 pm, she received a text from Mr. Bolinger to "call (him) ASAP". She did not see the message and did not call him right away. She later texted Mr. Bolinger several times because he had not returned home, but he did not respond. She was unaware that Mr. Bolinger had a firearm. She said that Mr. Bolinger did not agree with anything to do with law enforcement and wanted to stay away from them because he believed they intruded into their lives. According to her, Mr. Bolinger had a history with Stratford and Marathon County law enforcement. Mr. Bolinger was adamant to her that he did not ever want to go back to jail for any reason.

Wisconsin Circuit Court Access records indicate that Mr. Bolinger received a 9-month jail sentence in Calumet County Case 16CF156 on February 27, 2019, for Felony Retail Theft as a party to a crime and as a habitual offender. On January 14, 2020, Mr. Bolinger missed a court-ordered appearance date for a pretrial in Marathon County case 2019CM2082 on a charge of Disorderly Conduct as a Repeater.

CIVILIAN WITNESS INTERVIEWS

Resident in Garage

On Thursday January 16, 2020, at 9:32 pm, DCI Special Agent Lourdes Fernandez spoke with a resident couple of the Urban West Apartments. The female resident stated that she arrived home that afternoon and, as she turned into the parking lot, she noticed two police officers walking on North 12th Avenue. She said she saw the officers walking the area but did not think much of it. She then used her key card access to open the underground garage door and pulled her car into her assigned parking spot. While she was still in the garage seated in her vehicle she heard approximately 10-15 loud gunshots. She immediately looked out her front passenger window of her vehicle and saw a police officer who was quickly walking backwards into the garage. She stated that it appeared as if someone was shooting at the officer and the officer was returning fire. She could only see the one officer from her vantage point. The female resident stated that she quickly realized that she was not in a good position and believed she was in danger of getting shot or killed. She stated, "if a good guy is shooting out, then a bad guy is shooting in..." She left her keys and packages in her vehicles, exited and ran to the stairwell on the south side of the garage. She then ran to her apartment, entered her apartment and screamed to her husband, "(t)here's a shooter! There's a shooter in the building!" In her apartment she heard approximately 15 more gunshots. She was so afraid that she crouched down in order to stay low to the floor of their apartment.

The female resident told the investigators that when she initially heard the gunshots in the garage, she truly believed her life was in danger and that she was going to die. She stated that even after exiting her vehicle, she felt as if someone was chasing her. She believed she was going to be shot in the back or worse. The female resident stated that she realized that the officer was firing back at whoever was firing into the garage, she was relieved and grateful. She told the investigators that she wanted to thank the officer personally for putting himself in harm's way so that she was not.

Vehicle Entering Driveway

On January 16, 2020, DCI Special Agent Shane Heiser and Wausau Police Detective Lieutenant William Kolb spoke with a resident of Urban West Apartments who entered the driveway with her vehicle at the time of the shooting. She reported that when she turned southbound on to North 12th Avenue she observed a Marathon County Sheriff's Office vehicle and a Wausau Police vehicle parked on the south side of Arctic Lane facing eastbound. She said as she turned into the entrance to the parking lot which led to the underground parking garage, she observed two law enforcement officers pointing their firearms towards a white male subject standing to the south of the garbage dumpsters. She observed the white male point his firearm at her and fire two rounds at her vehicle. She believed that both fired bullets struck the front passenger side hood area of her vehicle. After the suspect fired at her vehicle, she ducked down, put her vehicle in reverse, and backed out of the entrance and onto North 12th Avenue

traveling northbound on North 12th Avenue. She said she was very scared and feared for her life.

On January 16, 2020, DCI Special Agent Ryan Windorff examined a civilian vehicle that was reportedly struck by gunfire during the incident. On the passenger side of the vehicle's hood toward the front passenger side fender, there was damage consistent with a bullet hole. Special Agent Windorff located bullet fragments in the vehicle body.

OFFICER INTERVIEWS

Officer Shawn Pierschalla Interview

During the incident, Officer Pierschalla wore a black stocking hat with "POLICE" in white letters on the front side. He wore a black jacket with a police badge on the left breast and police department patches on each shoulder. Officer Pierschalla has been in law enforcement since 1997, starting as a corrections officer and he began as a Wausau Police Officer in 2007. He served as a field training officer for seven years. Officer Pierschalla was equipped with a functional and active Axon body camera which captured the audio and visual of the incident.

On January 16, 2020, DCI Special Agents Shane Heiser and Ryan Klavekoske spoke with Officer Shawn Pierschalla. Officer Pierschalla stated that on January 16, he responded to a report of an individual trying to enter into the reporting party's vehicle on Arctic Lane by pulling on the vehicle's door handle. Review of Officer Pierschalla's body camera video captured Officer Pierschalla's contact with the reporting party who stated that since it was a very cold day, she decided to warm up her vehicle before traveling with a baby. She reported that her vehicle was equipped with a remote start that allowed her to start her vehicle from inside her home and the vehicle would idle and warm with the doors locked in her driveway. The reporting party observed that while her vehicle was idling in her driveway, a tall, thin white male wearing a black stocking cap and dark sweatshirt tried to enter the vehicle by pulling on the vehicle's door handles. The male was not able to gain entry and the reporting party observed the male run east toward North 12th Avenue and, just before North 12th Avenue, the person ran southbound through a backyard of a nearby residence.

Deputy Stroik arrived to assist Officer Pierschalla in searching for the person through the residential neighborhood. Their search ultimately led them back toward the Urban West Apartment Complex. Officer Pierschalla observed the overhead garage door leading to the underground parking area was open. He observed a silver car parked in the underground parking garage. Officer Pierschalla and Deputy Stroik entered the parking lot of the Apartment Complex and Officer Pierschalla walked towards the open overhead garage door while Deputy Stroik walked towards a brick wall which was connected to the Apartment Complex. As Officer Pierschalla began to walk into the underground parking garage, Deputy Stroik went to check the area behind the brick wall. Officer Pierschalla heard Deputy Stroik yell "gun" "gun" "gun" and

observed the suspect's head and a handgun lean around the corner of the brick wall and fire several times toward Officer Pierschalla and Deputy Stroik. Officer Pierschalla, fearing for his life, the life of Deputy Stroik, and the lives of people at the Apartment Complex and residences on North 12th Avenue, fired his service weapon towards the suspect. Officer Pierschalla also used direct fire at the brick wall to allow himself and Deputy Stroik to retreat into the underground parking garage for cover. While retreating, Officer Pierschalla observed the suspect reach around the corner and blindly discharge the handgun toward them. He thought the suspect was "going to kill them".

After a short while, the suspect came out from behind the wall and began to move southbound while pointing his handgun toward Officer Pierschalla and Deputy Stroik. Officer Pierschalla believed the suspect came out from behind the wall to get a clear view of Officer Pierschalla and shoot him. Officer Pierschalla discharged his service weapon as the suspect moved southbound in the parking lot. The suspect went down to the ground. Officer Pierschalla discharged his service weapon at the suspect several times. The overhead garage door was on a timed closure and began to close. Officer Pierschalla and Deputy Stroik had to change positions to the service door which was between the brick wall and the overhead garage door.

Officer Pierschalla called for medical aid to respond for the suspect and requested that North 12th Avenue be shut down as there was a danger to them from the gun fire. Officer Pierschalla and Deputy Stroik checked themselves to determine if they were hit by gunfire. They both continued to repeatedly yell commands to the suspect to "drop the gun". They told him several times that medical aid was on the scene and could help him if he dropped the gun. The suspect, while on the ground, raised up and looked at Officer Pierschalla. While the suspect was lying on the ground, Officer Pierschalla observed that the suspect's handgun had the slide locked back. The suspect then manipulated the gun to put the slide back in a firing position. Despite repeated commands, the suspect did not drop the gun. The suspect then waved the handgun around and pointed it towards North 12th Avenue where other officers were located. Deputy Stroik fired one round from his service weapon and other officers discharged their firearms.

Deputy Brandon Stroik Interview

During the incident, Deputy Stroik wore a black exterior vest carrier with Marathon County Sheriff's Office patches on both shoulders and the word "Sheriff" in white lettering on the front and rear of his exterior vest.

Deputy Stroik enlisted in the United States Army in February 2005 and was deployed to Iraq from January 2006 until February 2007 and served until he was honorably discharged in May 2008. He was designated as "squad designated marksman" in the Army and received the Army Commendation Medal while deployed. He joined the National Guard in September of 2008 and served until September 2014 when he was honorably discharged. While in the National Guard, he received the Army Achievement Medal. He then began his law enforcement career in 2009 and joined the

Marathon County Sheriff's Office in January 2014. He attended numerous sniper courses and became a Certified Firearms Instructor in 2017.

DCI Special Agents Jake Vosters and Shane Heiser spoke with Deputy Stroik. Deputy Stroik stated that he was assisting Wausau Police Officer Shawn Pierschalla on a call for service. Deputy Stroik and Officer Pierschalla had walked the area of North 12th Avenue South of Arctic Lane and walked into the entrance to the parking lot of Urban West Apartment Complex which leads to the underground parking garage. The overhead garage door was open. They walked toward a brick wall that was located in the northeast corner of the parking lot. As Deputy Stroik neared the corner of the brick wall, Deputy Stroik observed footwear impressions in the snow leading to the north behind the brick wall. As he walked around the corner, he observed an extended right arm with a hand gun pointed directly at him. The suspect was five to six feet from him at the time. Deputy Stroik yelled, "gun" several times to alert Officer Pierschalla that he observed a gun. Deputy Stroik fired his service weapon several times and they retreated inside the underground parking garage while the person was concealed behind the brick wall and fired at them from around the wall. Deputy Stroik observed a vehicle drive into the entrance of the Apartment Complex. The suspect turned the firearm toward the vehicle and fired one round toward the vehicle. The suspect then turned his gunfire back at Deputy Stroik and Officer Pierschalla. Deputy Stroik stated, "He was trying to kill me, and he was trying to kill (Officer Pierschalla)". Deputy Stroik stated that the suspect came out from behind the brick wall and there was additional gunfire exchanged between himself and the suspect and the suspect fell to the ground with the gun in his hand.

While the suspect was on the ground, Deputy Stroik stated that he and his fellow officers shouted commands to the suspect to drop his gun. At one point, Deputy Stroik could see that the gun was locked back and not able to be fired, but a short time later the suspect looked toward Deputy Stroik then back at the gun and manipulated the gun to put it back in a firing position. Officers continued to yell commands to the suspect. The suspect raised his gun and pointed it first toward he and Officer Pierschalla, then toward the officers on North 12th Avenue and toward the occupied houses on the west side of North 12th Avenue. Deputy Stroik fired his service weapon one time. Deputy Stroik did not know the identity of the suspect at the time of the incident.

Deputy James Toth Interview

On January 16, 2020, DCI Special Agent Carl Waterstreet spoke with Marathon County Sheriff's Deputy James Toth. Deputy Toth said when he arrived on the scene, he heard officers yelling commands for the subject to "drop the gun" and he saw the subject moving. He asked Lieutenant DeNovi if there was a need for a less lethal option and DeNovi told Deputy Toth to get his less lethal shotgun loaded with 12 gauge bean bag rounds.

Officer Benjamin Price Interview

On January 16, 2020, DCI Special Agents Nicholas Pendergast and Shane Heiser spoke with Wausau Police Officer Benjamin Price. Officer Price was on duty and responded to the incident with Officer Cate. Officer Price was instructed by his Lieutenant to position himself at the entrance to the Apartment Complex. He observed a male lying on the ground on his back with a handgun in his left hand while rolling side to side and raising his arms and legs. He heard officers yelling to the suspect to drop his gun so they could get him medical attention. Wausau Police Lieutenant John Phillips instructed Deputy Toth to obtain his less than lethal shotgun and take a position next to Officer Price. At that point, there was a radio broadcast that the suspect's weapon was out of battery, or the slide was back.

A short time later, Officer Price heard the sound of the suspect's weapon go into battery which meant the slide was now forward and ready to fire. Officer Pierschalla then broadcasted over the police radio that the weapon was in battery or ready to fire. Officer Price observed the suspect roll onto his back with the handgun in his left hand and Officer Price could see that the slide of the suspect's handgun was fully forward. The suspect raised the handgun away from his body and Officer Price stated "oh god". The suspect then moved the gun in a fanning motion pointing toward Officer Price and other officers. Fearing for his life and the life of the other officers, Officer Price fired his weapon multiple times toward the suspect. The suspect then rolled onto his stomach and Officer Price could no longer see the firearm and Officer Price stopped firing.

Lieutenant John Phillips Interview

On January 16, 2020, Department of Justice Division of Criminal Investigation Special Agents Loreen Glaman and Nathan Reblin interviewed Wausau Police Lieutenant John Phillips. Lieutenant Phillips had arrived at the scene and provided verbal direction to his officers. After the second round of less lethal rounds were fired, Lieutenant Phillips arranged a team of himself on shield and 3 other officers to approach the suspect. As they moved toward him with Lieutenant Phillips on shield, they saw that the suspect's arm was under him. The gun was retrieved and cleared. After the suspect was handcuffed, medical personnel approached.

Officer Peter Fish Interview

On January 17, 2020, DCI Special Agent Loreen Glaman and Wausau Police Detective Jon Kindlarski interviewed Wausau Police Officer Peter Fish. Officer Fish responded to the scene on January 16, 2020. Upon arrival, Officer Fish and two other officers made contact with the occupant of an apartment on the southeast corner of the Urban West Apartment building. The occupant allowed police entry. The occupant was told to stay in a back bedroom for the occupant's safety. Officer Fish went to the kitchen window where he had a clear line of sight of the suspect who was lying on his back. Officer Fish observed that the suspect's eyes were open, he appeared alert and he was breathing as his breath was visible in the cold air. Officer Fish heard the officers

state that they were going to use less than lethal rounds to gain compliance and he saw the suspect grip his gun and lift it up towards his head. He thought the suspect might shoot. As he raised his gun, officers fired.

Lieutenant Steven DeNovi Interview

On January 19, 2020, DCI Special Agents Mike Reimer and Loreen Glaman spoke with Marathon County Sheriff's Lieutenant Steve DeNovi. Lieutenant DeNovi served in the United States Army from 1992 until 1997. He was a full-time military police officer promoted to the rank of sergeant until he was honorably discharged. Lieutenant DeNovi has been employed as a law enforcement officer since 1999 and has worked full time with the Marathon County Sheriff's Office since 2003, with a promotion to Detective in 2012 and Lieutenant in 2018. Lieutenant DeNovi was also previously a member of Marathon County's SWAT team and still drives the armored vehicle for the SWAT team.

Lieutenant DeNovi responded to the Urban West Apartments when he heard Deputy Stroik call out shots fired and an officer needs assistance. He arrived on scene in less than two minutes. Lieutenant DeNovi pulled his squad up on the road to the west of the apartment complex where he positioned himself along North 12th Avenue. He could see the suspect lying on the ground in the parking lot. The suspect was on his back and had his handgun in his left hand resting on top of his stomach pointing the barrel toward the east. Throughout the incident, Lieutenant DeNovi did not know the identity of the suspect. Lieutenant DeNovi requested medical be staged because he was aware the suspect had possibly been shot. Lieutenant DeNovi and Lieutenant Phillips coordinated to have a less lethal shotgun with bean bag rounds brought to the scene as well as a ballistic shield. Lieutenant DeNovi learned an officer was on scene with a less lethal bean bag gun. Lieutenant DeNovi said he and other officers continuously commanded the suspect to drop the gun. He said that officers warned that if he did not drop the gun, he would be shot and that he needed to drop the gun so medical care could be provided to him.

At one point, Lieutenant DeNovi heard an officer yell that the suspect's gun was out of battery and the slide was locked to the rear. Lieutenant DeNovi thought this would be a good time to deploy less lethal bean bag rounds. He identified Deputy Toth as the officer who would fire those rounds. Lieutenant DeNovi repeatedly yelled, "less lethal". Prior to Deputy Toth deploying less lethal rounds, Deputy Stroik yelled that the suspect's gun was back in battery and the slide was closed. Officers continued to yell commands to the suspect to drop the gun. The suspect looked towards Lieutenant DeNovi and appeared to hear the commands. The suspect continued to lift his gun off of his stomach but did not point it at the officers. Lieutenant DeNovi stated that the suspect continued to move the gun more and more. The suspect moved his gun from his stomach, sweeping past Officer D'Acquisto towards Deputy Stroik and the glass windows of the apartment building above Deputy Stroik in the direction of Lieutenant DeNovi.

Lieutenant DeNovi stated he felt threatened and feared the suspect was going to shoot at other officers or at civilians in the apartment building. He had his department issue rifle on "fire", he focused his rifle scope on the suspect's head and fired twice. He then fired at the suspect's torso and fired three more times. He observed the suspect's legs come up off the ground and he rolled over on his stomach and Lieutenant DeNovi could not see the suspect's firearm anymore. At this point, Lieutenant DeNovi no longer thought the suspect was a threat. Deputy Toth then fired three less lethal bean bag rounds at Lieutenant DeNovi's direction with no response from the suspect. The shield team was then deployed to secure the suspect in handcuffs and then advise EMS services they could approach.

Lieutenant Jeffrey Stefonek Interview

On January 17, 2020, DCI Special Agents Jeremy Buss and Bradley Ruff spoke with Marathon County Sheriff's Lieutenant Jeffrey Stefonek. Lieutenant Stefonek responded to the scene and in route, heard radio traffic that the suspect had his weapon in hand and "in battery". When he arrived on scene, he heard officers shouting "less lethal" repeatedly. He then heard and saw several of the law enforcement officers fire their weapons. After the rounds were fired, Lieutenant Stefonek moved to the rear of a nearby squad and could see the suspect on the ground arching his back and lifting his head for 5-10 seconds. Law enforcement again communicated that they were going to use less lethal rounds. He stated that law enforcement then fired three to four less lethal rounds that impacted the suspect. There was no movement from the suspect. He heard law enforcement continue to give the suspect verbal commands to show his hands since the suspect was now on his stomach with his hands underneath him. After the suspect did not respond to the less lethal rounds, law enforcement approached the suspect with a shield team and placed the shield on the suspect's back holding him in place as officers handcuffed him.

Officer Michael Horejs Interview

On January 20, 2020, DCI Special Agents Shane Heiser and Loreen Glaman spoke with Wausau Police Officer Michael Horejs. Officer Horejs was on duty as a patrol officer and was field training another officer. Officer Horejs began his law enforcement career as a full-time patrol officer for the City of Wausau in 2017. Since 2019, he has been a field training officer. Officer Horejs was in the area assisting Officer Pierschalla to locate the suspect that was reported to have attempted to enter a vehicle. Officer Horejs heard Officer Pierschalla say "shots fired-apartment" and responded to the area of the Apartment Complex. Officer Horejs observed a subject lying on the ground near the wooden fence. He heard officers continuously yelling commands to the suspect. He heard someone relay to the officers on scene that the slide of the handgun was locked back which meant the suspect could not fire the handgun. A short time later, he heard someone relay to the officers that the suspect released the slide and the gun was in position to fire. Officer Horejs heard the officers on the scene continue to yell verbal commands to the suspect and he did not comply. He observed that the subject continued to possess a handgun and was moving the

handgun more aggressively. The suspect then raised the firearm away from his body and rotated it towards the officers that were located at the entrance to the Urban West Apartment Complex. Officer Horejs said he feared for his life and the life of his fellow officers on scene, the occupants of the Apartment Complex, and the residents on North 12th Avenue, so he fired one round at the subject.

Detective Max LaPorte Interview

On January 17, 2020, DCI Special Agent Shane Heiser and Wausau Police Detective Jennifer Holz met with Wausau Police Detective Max LaPorte. Detective LaPorte responded to the incident and moved into position on the southeast corner of the Apartment Complex. From his position, he was able to see the suspect had a handgun and the slide was forward which meant that the handgun could be fired. He accessed an occupied apartment that provided an overhead view of the scene. He heard over the law enforcement radio that less than lethal rounds were going to be fired. He then observed the suspect raise the handgun away from his body and point the handgun at the law enforcement officers that were on North 12th Avenue. As the suspect raised the handgun away from the suspect's body and pointed the gun at the officers, Detective LaPorte heard several gun shots and observed the suspect roll on his stomach. Officer Garrett Carr was also positioned with Detective LaPorte. He met separately with Special Agent Heiser and Detective Holz on January 17, 2020, and he also stated that he was able to observe the suspect lying on his back. He heard officers announce that less than lethal rounds were going to be fired and then he saw the suspect raise the handgun up and point the handgun toward the officers before he was fired upon.

Officer John Shear Interview

On January 17, 2020, DCI Special Agent Shane Heiser and Wausau Police Detective Jennifer Holz met with Wausau Police Officer John Shear. Officer Shear had also responded to the Apartment Complex scene. Upon arrival, the suspect was lying on his back and officers were repeatedly yelling commands to the suspect to drop his weapon and assuring the suspect that they would get help for him if he dropped the weapon. When law enforcement officers were offering medical assistance, Officer Shear stated that the suspect would shake his head from side to side. A handgun was visible in the suspect's hand. At one point, Officer Shear stated that the handgun had the slide locked back and therefore could not be fired. However, Officer Shear observed the suspect roll away a bit, move his hand and Officer Shear heard the release of the slide of the handgun which meant that the handgun could be fired. Officer Shear observed that the suspect raised the handgun toward the officers and then he was fired upon.

Officer Brady Copas Interview

DCI Special Agents Nicholas Pendergast and Theodore Indermuehle spoke with Wausau Police Officer Brady Copas. Officer Copas responded to the incident at the

Apartment Complex. Officer Copas observed the suspect on the ground with a firearm in his hand. He also observed the suspect moving the firearm around and heard numerous gun shots. Officer Copas was part of the shield team that approached the suspect after the suspect was unresponsive to less than lethal rounds. After approach, Officer Copas observed the hammer of the suspect's firearm was in a cocked position ready to fire.

Scene Investigation

On January 16, 2020, DCI Special Agent Joshua D. Pudlowski responded to the scene to document and process the crime scene for evidence. Located by the body of Mr. Bolinger was a Thompson Ordinance 10 mm semi-automatic handgun with 1 empty magazine. There was also a 10 mm cartridge casing with a head stamp of "WINCHESTER 10mm AUTO" located under the wooden fence for the refuse area. Also located northeast from Mr. Bolinger's body, between the northern most privacy screen and the brick/concrete partition wall, were three casings all with the same headstamp. There was an additional 10mm casing with the same headstamp located in the snow east of the brick/concrete partition wall. An additional spent 10 mm casing was found underneath Mr. Bolinger near his right shoulder with the different headstamp. Six 10 mm shell casings were found that were consistent with the suspect's weapon and locations. Four were located consistent with his position behind the brick/concrete partition wall, and two were located where he was lying on his back in front of the wooden privacy fence.

Special Agent Pudlowski also located a metal fragment closer to the service door. Located slightly west from the overhead garage door were 3 metal fragments. An additional four metal fragments were found in the middle of the driveway and another found along the south edge of the driveway near a snowbank. Another metal fragment was located in the middle of the driveway outside of the garage, south of the keycard reader for the overhead garage door. A metal fragment was also located inside the parking garage within one of the empty parking stalls and another located on the floor behind the vehicle parked in the parking stall immediately south from the elevator shaft. Four more fragments were located in parking stalls, with another located along the east wall of the garage which was located immediately north from the elevator and stairwell entrances.

The Wisconsin State Crime Laboratory examined the handgun possessed by Mr. Bolinger. It was an Auto-Ordinance model 1911 Type, 10mm Automatic caliber, semi-automatic pistol. The identifying serial number on the handgun was obliterated to the point where the Crime Lab Analyst was not able to restore the number to trace ownership of the weapon.

Toxicology Results

Toxicology results from the analysis of Mr. Bolinger's blood sample contained Methamphetamine at a level of 6100 ng/ml. Additionally the analysis showed a Delta-9

THC level of 6.5 ng/ml. According to Forensic Pathologist Robert Corliss, there are studies that show that the level of methamphetamine in Mr. Bolinger's blood could be lethal. The level of methamphetamine could have caused psychosis, or disinhibition combined with psychosis. The toxic level of methamphetamine in Mr. Bolinger's blood could have caused confusion, hallucinations, and delusions. Chronic abusers of methamphetamine can develop paranoid psychosis. Methamphetamine levels even significantly lower than that found in Mr. Bolinger's blood have been linked with violent and abusive behavior, including death or traumatic injury by violent means. Acute methamphetamine and cannabinoid intoxication were a significant contributing factor in the death of Mr. Bolinger.

ANALYSIS

Following a thorough review of all the information submitted by the DCI, I have concluded that the actions of Officer Pierschalla, Deputy Stroik, Lieutenant DeNovi, Officer Horejs and Officer Price on January 16, 2020, were justified under the circumstances. I make the following conclusions:

1. The statements of the law enforcement officers involved in the incident are credible.
 - a. The statements of the law enforcement officers involved in the incident are consistent.
 - b. The physical evidence recovered from the scene is consistent with the statements of the law enforcement officers involved in the incident.
 - c. The squad camera videos, body camera videos, and citizen interviews are consistent with the statements of the law enforcement officers involved in the incident.
2. Deputy Stroik and Officer Pierschalla were lawfully investigating the report of an attempted vehicle break in when they encountered Mr. Bolinger.
3. Deputy Stroik and Officer Pierschalla wore agency issued uniforms which prominently displayed their status as law enforcement officers.
4. Mr. Bolinger concealed himself behind a brick wall obscured from Deputy Stroik and Officer Pierschalla's view.
5. Mr. Bolinger had no known association with the Urban West Apartment Complex.
6. Deputy Stroik unknowingly approached Mr. Bolinger's concealed location without his weapon drawn.

7. Mr. Bolinger possessed a functional and loaded handgun with the serial number of the handgun filed off and obliterated.
8. Mr. Bolinger was within five to six feet of Deputy Stroik when he pointed the loaded handgun at Deputy Stroik.
9. As Deputy Brandon Stroik and Officer Shawn Pierschalla retreated from the location of Mr. Bolinger, they were without cover and were at significant risk of death or serious physical harm.
10. As Deputy Stroik and Officer Pierschalla retreated backward for cover, Mr. Bolinger continued to possess his handgun and while concealed behind a brick wall, repeatedly fired out and fired at Deputy Stroik and Officer Pierschalla.
11. Deputy Stroik and Officer Pierschalla fired their weapons in response to Mr. Bolinger's direct and observable threat to the lives of the officers.
12. Mr. Bolinger's actions posed a significant risk of death or serious physical harm to civilians in the vicinity, including at least one resident in the parking garage; residents of the occupied apartment complex, residents of homes on North 12th Avenue, persons entering the apartment complex parking area, and persons traveling on the adjacent roadways.
 - a. A resident of the apartment complex had to flee her vehicle parked in the underground garage during the gunfire to avoid harm. The resident stated that she feared for her life.
 - b. Mr. Bolinger took aim and fired at a civilian in a vehicle entering the parking lot area of the apartment complex striking the front passenger side of the vehicle and causing the civilian to retreat to avoid harm. The civilian feared for her life.
 - c. Multiple metal fragments located within the occupied parking garage are consistent with being fired from Mr. Bolinger's handgun.
13. After firing at and striking the civilian's vehicle, Mr. Bolinger came out from behind the brick wall and continued with his handgun in his hand and pointed toward the location of Officer Pierschalla and Deputy Stroik.
14. Mr. Bolinger fired his handgun at the location of Officer Pierschalla and Deputy Stroik after he came out from behind the brick wall.

15. Deputy Stroik and Officer Pierschalla fired their weapons in response to Mr. Bolinger's direct and observable threat and in reasonable defense of their lives and the lives of nearby civilians.
16. Mr. Bolinger retained possession of the handgun when he went to the ground in the parking lot of the Apartment Complex.
17. Multiple law enforcement officers responded to the scene. Mr. Bolinger continued to possess the handgun in his hand. All responding law enforcement officers held their fire for 10 minutes as they repeatedly commanded Mr. Bolinger to drop his weapon and pleaded for Mr. Bolinger to drop his weapon so they could get him medical help.
18. Despite repeated commands to drop his weapon, Mr. Bolinger visibly retained the handgun in his hand.
19. Multiple officers observed that the handgun in Mr. Bolinger's hand was not "in battery" or, in other words, was not in a position to fire.
20. Deputy Stroik sought to try to compel Mr. Bolinger's compliance to drop the handgun by less lethal means by having an officer fire bean bag rounds at Mr. Bolinger.
21. The command for "less lethal" rounds was audibly and loudly commanded between officers at the scene.
22. Mr. Bolinger visibly manipulated the gun in his hand. Multiple officers at the scene observed that Mr. Bolinger's gun was now positioned "in battery" or ready to fire. The gun was observed to be in this position by Officer Copas when contact was made with Mr. Bolinger at the conclusion of the incident.
23. Mr. Bolinger was acting paranoid on the date of incident according to family members.
24. Mr. Bolinger adamantly expressed to his girlfriend that he did not ever want to go back to jail for any reason.
25. Mr. Bolinger missed a required court appearance in a Marathon County criminal case on January 14, 2020.
26. Mr. Bolinger's toxicology results revealed a toxic level of methamphetamine, a level which may cause confusion, hallucinations, and delusions, and has been linked with death or traumatic injury by violent means.

27. Despite a significant visible law enforcement presence and continued audible commands by law enforcement to drop his handgun, Mr. Bolinger did not comply and responded by moving his engaged weapon toward the location of civilians and officers.
28. Deputy Stroik, Lieutenant DeNovi, Officer Horejs, and Officer Price fired their weapons in response to Mr. Bolinger's direct and observable threat and in reasonable defense of their lives, the lives of their fellow officers and the lives of nearby civilians.
29. Under the circumstances, Mr. Bolinger's repeated intentional choices ensured that there was no reasonable opportunity to attempt any non-lethal alternatives. Any lesser means of force would have been unreasonable in the exercise of self-defense under the circumstances created by Mr. Bolinger's actions.
30. Law enforcement officers are not required to attempt all other means of force before resorting to deadly force and Mr. Bolinger's purposeful actions made any lesser means of force unreasonable.

CONCLUSION

Mr. Bolinger's death is tragic. There is little doubt that methamphetamine and THC intoxication were significant contributing factors to Mr. Bolinger's choices on January 16, 2020, and thereby lead to his death. Deputy Stroik, Officer Pierschalla, Lieutenant DeNovi, Officer Horejs, and Officer Price acted in accordance with their sworn duties and training as law enforcement officers. At their own peril, they maintained their positions to protect the citizens of this community. The officers acted with valor and restraint. Even after Mr. Bolinger fired multiple rounds at Deputy Stroik and Officer Pierschalla, when there was an opportunity, they tried repeatedly to end the incident without the death of Mr. Bolinger. Deputy Stroik, Officer Pierschalla, Lieutenant DeNovi, Officer Horejs, and Officer Price's actions were appropriate and consistent with the legal principles governing the use of deadly force by law enforcement officers.

I would like to thank the Department of Justice, Division of Criminal Investigation for their thorough work on this investigation. The comprehensive approach to this investigation allowed me to do a step-by-step review and analysis of all relevant information in reaching my decision.

Theresa Wetzsteon
District Attorney
Marathon County