

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



DANA NESSEL
ATTORNEY GENERAL

MEMORANDUM

Warrant Denial Memorandum

[Rev. 02/11/2020]

June 7, 2023

APPROVED: *Fadwa Hammoud* 8.30.23
Deputy Chief Date

TO: Bryant Osikowicz
Bureau Chief
Criminal Justice Bureau

Check here when Division Chief has final approval
authority for the request.

Danielle Hagaman-Clark
Division Chief
Criminal Trials and Appeals Division

APPROVED: *BO* 8/29/23
Bureau Chief Date

CC: Robyn Liddell
First Assistant
Criminal Trials and Appeals Division

APPROVED: *Danielle Hagaman-Clark* 07/27/2023
Division Chief Date

Oronde Patterson
Section Head
Criminal Trials and Appeals Division

Danielle Bennetts
Section Head
Criminal Trials and Appeals Division

FROM: Yasmine K. Tucker
Assistant Attorney General
Criminal Trials and Appeals Division

RE: Request for Approval to Close File
Due Date for Response: None
LPD OIS
AG#2022-0362671-A

Press release: Yes.

Dates

There are no pending dates that would be impacted by review of this recommendation.

Recommendation

Upon a thorough review of all physical evidence collected and all statements taken, it is my recommendation that any request for criminal charges against Officer Daniel Salinaz and Officer Nicholas Zuber resulting from the shooting of Mr. Terrence Robinson on October 04, 2022, be denied for all the reasons contained herein.

Items Reviewed

- Michigan State Police Original Report, Incident No. 010-0000662-22 (8 pages)
- Michigan State Police Supplement Reports 1-12
- Lansing Police Department Reports
 - Officer Jason Murdock
 - Officer Gregory Tracy
 - Officer Maxwell McCrory
 - Officer Jameil Bakri
 - Officer Antonio Cena
 - Officer Bryant Wilson
 - Officer Ryan Kellom
 - Officer Seth Osentoski
 - Officer Jonathan Chaffee
 - Officer Sagar Kandel
 - Officer Melinda Hutchings
 - Officer Hayden Erickson
 - Officer Barbara Houghteling
 - Officer Troy Mangrum
 - Officer Ilya Barabanov
- Dispatch Sheet
- 911 calls
- Dispatch Radio Traffic
- Photographs of:
 - Autopsy
 - Drone Images
 - Shooting Scene
 - Patrol Cars
 - Weapons
 - Officers Involved

- Body Worn Camera Videos from:
 - Officer Hutchings
 - Officer Erickson
 - Officer Chaffee
 - Officer Salinaz
 - Officer Cena
 - Officer Pulver
 - Officer Zuber
 - Officer Kandel
 - Officer Osentoski
 - Officer Bakri
 - Officer Barabanov
 - Officer Wilson
 - Officer Kilbourn
 - Officer McCrory
 - Officer Mangrum
 - Officer Fleser
 - Officer Lindeman
 - Officer McClinton
 - Officer Meyers
 - Officer Murdock
 - Sgt. Kellom
 - START- 369 videos
 - Assist_LPD_OIS_video- Lansing Township Police Department
 - Assist_LPD_OIS_video 1- Lansing Township Police Department
 - Assist_LPD_OIS_video 2- Lansing Township Police Department
 - Assist_LPD_OIS_video 3- Lansing Township Police Department
 - Assist_LPD_OIS_video 4- Lansing Township Police Department
 - Assist_LPD_Shooting- Lansing Township Police Department
 - Assist_LPD_with_Shooting- Lansing Township Police Department
 - Assist_LPD_w_OIS- Lansing Township Police Department
- Scout Car Videos from:
 - Officer Hutchings
 - Officer Erickson
 - Officer Chaffee
 - Officer Salinaz
 - Officer Cena
 - Officer Pulver
 - Officer Zuber
 - Officer Kandel
 - Officer Osentoski
 - Officer Bakri
 - Officer Barabanov

June 7, 2023

- Officer Wilson
- Officer Kilbourn
- Officer McCrory
- Officer Mangrum
- Officer Fleser
- Officer Lindeman
- Officer McClinton
- Officer Meyers
- Officer Murdock
- Sgt. Kellom
- Lansing Police Department Use of Force Policy
- Officer Daniel Salinaz Training File
- Officer Nicholas Zuber Training File
- Officer Daniel Salinaz Personnel File
- Officer Nicholas Zuber Personnel File
- Michigan State Police Laboratory Report No. LS22-2670, Record No. 1
- Michigan State Police Laboratory Report No. LS22-2670, Record No. 2
- Terrence Robinson Autopsy Report
- Search Warrant & Affidavit for 2023 W. Malcolm X
- ██████████'s text messages to MSP

Facts

On October 03, 2022, at or around 10:47 PM, dispatch received a 911 call in which the caller stated that juveniles were shooting guns in a front yard. The juveniles left on mopeds on Malcolm X Street near Buffalo Street. The Lansing Police Department responded to the 911 call. When officers arrived on scene, they located multiple mopeds on scene. The officers began checking the plates of the mopeds to see if any of them were reported stolen. At least one moped in the driveway was confirmed stolen. While on scene, a female began questioning the officers through the second story window of 2023 Malcolm X. The female, later identified as ██████████, refused to exit the house and speak with the officers on scene.

The officers on scene contacted an on-duty APA with the Ingham County Prosecutor's Office to seek a search warrant for 2023 Malcolm X, in relation to the stolen moped. Officers remained on scene while the search warrant was being obtained. The search warrant was approved.

On October 04, 2022, at around 05:25 a.m., officers on scene began utilizing a PA system from a patrol vehicle informing the occupants of 2023 Malcolm X that a search warrant was obtained, and they must exit the house with their hands up. Multiple announcements were made and no one inside the house exited. At around 05:26 a.m.,

the officers approached the front door of the residence. Officers knocked on the door, and informed the occupants they were Lansing Police Department, and they had a search warrant. After a short while, [REDACTED] opened the door and exited and was immediately placed in handcuffs. At this point, a male began to shout to the officers from inside the residence. An officer began communicating with the male asking him to exit the residence, and informing the male they had a search warrant. The male refused to comply and stated multiple times that he would kill himself if the police entered. After trying to negotiate with the male unsuccessfully, it was decided that the officers would back away from the front door.

The officers backed away from the front door and began to take cover behind the vehicles that were in the driveway. At around 05:32 a.m., officers heard a single gunshot from inside the residence. Another gunshot was fired shortly after. At 05:34 a.m., a woman later identified as [REDACTED] exited the residence and informed the officers that the individual that was shooting is named "T" and that there were three other individuals in the house. T would later began to shoot towards the officers on scene, firing a total of 16 gunshots towards the officers.

At approximately 05:44 and 40 seconds an officer transmitted the following radio traffic: "shooters running". At approximately 05:44 and 45 seconds, a subject is observed by Officer Zuber's camera running from the venue, across Buffalo Street from east to west. Officer Zuber yelled, "hey", upon seeing this subject. A gunshot can be heard by Officer Zuber's body camera at 05:44 and 49 seconds. The subject then continued to run across Buffalo street from east to west. At approximately 05:44 and 49 seconds Officer Zuber shoots 1 round from his patrol rifle. The subject falls to the ground, on Buffalo street. A slow replay of Officer Zuber's body-cam video shows what appears to be a muzzle flash from Robinson towards Officer Zuber and then Officer Zuber firing his weapon once in response hitting Robinson. At approximately 05:45 and 27 seconds, Officer Daniel Salinaz's body camera is activated. The audio does not initiate until approximately 05:45 and 56 seconds. Officer Salinaz said to another officer, "dude he shot at me twice and I had I had to shoot" and, "dude he almost shot me in the fucking head". Reviews of multiple body-cam videos from other officers, confirmed that Officer Salinaz fired 1 shot from his patrol rifle at 05:44 and 48 seconds.

The individual was later identified as Terrence Robinson. Terrence Robinson was pronounced dead at Sparrow Hospital.

Officer Kandel's exchange with Terrence Robinson (in an attempt to de-escalate/reason with Robinson)

5:28:17 a.m.: the following exchange starts with Officer Kandel at the front door.

Officer Kandel: Police Department come outside.
Terrence Robinson: Love y'all.
Officer Kandel: Lansing Police Department we have a search warrant you need to come to the door.
Terrence Robinson: I'm going to kill myself.
Officer Kandel: We got a warrant for you.
Terrence Robinson: I'm going to kill myself if you come closer.
Officer Kandel: Come out to, come down and talk with us.
Terrence Robinson: Inaudible
Officer Kandel: Huh?
Terrence Robinson: Inaudible...I'm going to kill myself now.
Officer Kandel: I can't hear you man.
Terrence Robinson: I'm going to kill myself now.
Officer Kandel: Do you have a gun? Listen...
Terrence Robinson: Inaudible...house.
Officer Kandel: We just need to come inside and search the house that's all man.
Officer Kandel: Listen, hey what's your name?
Terrence Robinson: Inaudible
Officer Kandel: Listen, nobody wants to hurt you, okay?
Terrence Robinson: I ask you...inaudible...house.
Officer Kandel: Can you talk to me? Can I see you real quick?
Terrence Robinson: Get out the house sir.
Officer Kandel: We have a warrant for this house.
Terrence Robinson: Hey!
Officer Kandel: Nobody wants to hurt you, we just have to search this house, that's all.
Terrence Robinson: What are you searching for sir?
Officer Kandel: We have, I can explain all that to you, and I can read you the search warrant once you come and talk to me.
Terrence Robinson: Sir...inaudible
Officer Kandel: Okay?
Officer Kandel: What is your name?
Terrence Robinson: Sir what you have a search warrant for?
Officer Kandel: We got to search this house because all the stolen mopeds were found outside.
Terrence Robinson: Sir...inaudible...outside sir.
Officer Kandel: Sir, listen my name is Sam alright, I don't, nobody here wants to hurt you. We just want to come inside and check the house, that's all.
Terrence Robinson: Sir...inaudible...sir what are you checking for?
Officer Kandel: Can you please come and talk to me, and I will read you the search warrant outside?
Terrence Robinson: Inaudible
Officer Kandel: What?

Terrence Robinson: I will kill myself before you can kill me.

Officer Kandel: Nobody wants to kill you man.

Terrence Robinson: Inaudible

Officer Kandel: What's your name?

Terrence Robinson: Inaudible.... Now.

Officer Kandel: Do you have a gun?

Terrence Robinson: Inaudible

Officer Kandel: Why you want to kill yourself?

Terrence Robinson: Inaudible... prison

Officer Kandel: Take you to prison?

Terrence Robinson: Inaudible...record.

Officer Kandel: I don't even know who you are man. Can you just come talk to me?

Terrence Robinson: Inaudible

5:28 a.m.- [REDACTED] (homeowner) opens the front door and she is taken into custody.

5:30 a.m.- Officer Kandel and other officers backed away from front door.

5:32:04 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:32:05 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:34:35- Another woman (later identified as [REDACTED]) exits the house and informs the police that there are 3 individuals in the house and the shooter's name is "T".

5:37:01 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:37:10 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:37:15 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:37:10 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:39:08 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

Terrence Robinson: Kill me now!

5:40:01 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:40:07 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:40:45 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:40:49 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

Terrence Robinson: Kill me now! It's my fucking kid's birthday and y'all bitches fucking with me!

Officer Kandel: How many kids do you have?

Terrence Robinson: I have one fucking kid!

Officer Kandel: In the house?

Terrence Robinson: I won't get to see she make fucking 10!

Officer Kandel: Listen...

Terrence Robinson: No! I didn't do anything wrong!

Officer Kandel: How would your kid feel with their dad being dead?

Terrence Robinson: No!

Officer Kandel: It's not that deep man, nobody wants to hurt you! Think about your child!

Terrence Robinson: Man fuck you and your momma!

Officer Kandel: Think about your kid!

Terrence Robinson: Fuck you! Kill me now!

Officer Kandel: Think about your baby bro!

Terrence Robinson: Inaudible...shoot me now!

Officer Kandel: Think about your child man don't do this!

5:42:48 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

Officer Kandel: Come on T nobody wants to die tonight. Let's work on this, it's not that deep. Think about your baby!

5:43:13 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:43:18 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

Officer Kandel: T I know you are going through a lot right now, let's work on this alright?

5:44:26 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

5:44:34 a.m.: Single gunshot fired by Terrence Robinson from inside the house towards police officers.

Timeline of Gunshots Fired by Terrence Robinson at the Police

5:32:04 a.m.: Single gunshot
5:32:05 a.m.: Single gunshot
5:37:01 a.m.: Single gunshot
5:37:10 a.m.: Single gunshot
5:37:15 a.m.: Single gunshot
5:37:10 a.m.: Single gunshot
5:39:08 a.m.: Single gunshot
5:40:01 a.m.: Single gunshot
5:40:07 a.m.: Single gunshot
5:40:45 a.m.: Single gunshot
5:40:49 a.m.: Single gunshot
5:42:48 a.m.: Single gunshot
5:43:13 a.m.: Single gunshot
5:43:18 a.m.: Single gunshot
5:44:26 a.m.: Single gunshot
5:44:34 a.m.: Single gunshot
5:44:40a.m.: Radio announcement “Shooter is running”
5:44:45 a.m.: Shooter can be seen running out of the yard and into the road.
5:44:45a.m.: Officer Zuber yells “Hey”
5:44:48 a.m.: Single gunshot- Officer Salinaz fires one shot hitting Mr. Robinson
5:44:49 a.m.: Single gunshot- Officer Zuber fires one shot hitting Mr. Robinson

Officer’s actions after Terrence Robinson is shot

The second shot to Mr. Robinson occurred at 5:44:49 a.m. Mr. Robinson is laying in the middle of the road and not moving. Officers do not approach Mr. Robinson until 5:51:26 a.m. and he is rolled over and placed into handcuffs at 5:51:39 a.m. (it should be noted that Mr. Robinson is still not responding or moving). At 5:52:19 a.m. Officers began to drag Mr. Robinson’s body to W. Malcolm X St. and Buffalo St. At 5:53 a.m. Officers dragged Mr. Robinson’s body beside a patrol vehicle and began rendering aid. At 5:58:31 the paramedics showed up and Mr. Robinson is loaded into the ambulance at 5:59:41 a.m..

Autopsy

Terrence Robinson's autopsy was conducted by Dr. David Moons on October 05, 2022. He determined the cause of death to be multiple gunshot wounds. The postmortem examination revealed two indeterminate range perforating gunshot wounds: one to the right upper arm and one to the right lateral chest. There were also mild cutaneous injuries noted to the face, the right hip, the right knee, and the left shin.

The perforating gunshot wound to the right upper arm was an indeterminate range entrance gunshot wound on the anteromedial right upper arm, 18 inches below the top of the head. There was no soot or gunpowder stippling noted on the skin surrounding this wound. The entrance wound was oval in shape and measured approximately 1/2 inch x 1/4 inch. The wound track proceeded from this injury through the soft tissue of the arm and the humerus and ended at a 3/4 inch x 3/8 inch exit wound on the posteromedial right upper arm, located 17-1/2 inches below the top of the head. Associated injury included extensive comminuted fracture of the humerus. The wound track was from front to back and slightly upward when the body is viewed in the standard anatomical position. There was no bullet or part of bullet recovered from the wound track.

The perforating gunshot wound to the chest was an indeterminate range entrance gunshot wound on the lateral right chest, 20 inches below the top of the head and 9-1/2 inches right of the anterior midline. There was no soot or gunpowder stippling noted on the skin surrounding this wound. The entrance wound was round and approximately 1/4 inch in diameter with an approximately 1/4 inch marginal abrasion on the superior edge. The wound track proceeded from this injury through the right lateral 10 rib, the lower lobe of the right lung, the posterior left 11 rib and intercostal space, the soft tissue of the back, and ended at 2-1/4 inch x 1 inch exit wound on the back, centered approximately 20-1/4 inches below the top of the head and 1/2 inches left of the posterior midline. Associated injury included extensive hemorrhage of blood into the right pleural cavity (~850 mL remaining and ~800 mL reportedly collected from chest tube). The wound track was from front to back, right to left, and very slightly downward when the body is viewed in the standard anatomical position. There was no bullet or part of bullet recovered from the wound track.

There were other injuries noted during the autopsy. These injuries included: a 4 inch x 3 inch cluster of abrasions and lacerations on right face, nose, and upper lip; 3-1/2 inch x 1 inch cluster of abrasions on right lateral hip; ¼ inch x ¼ inch abrasion on anterior right knee; and 4 inch x 1 inch cluster of mostly healed abrasions on anterior left shin.

Blood and vitreous fluid samples were also taken at the autopsy. A later toxicological screen of the blood showed Mr. Robinson's blood was positive for amphetamine, methamphetamine, delta-9-THC, and THC-COOH.

Dr. Moons determined the manner of death for Mr. Robinson to be "homicide." Homicide as a "manner of death" is a medical term of art used by medical examiners. It is not the same as the legal term "homicide" used by prosecutors, judges, and criminal jury instructions. Autopsy reports announce a manner of death that falls into one of several limited categories: accident, suicide, homicide, natural or undetermined. Deaths are reported in the medical profession as having been caused by "homicide" when they result from a voluntary act by one person against another that causes physical harm. The medical term does not address the actors' intent to kill, or issues of legal justification or mitigation, all of which are critical in determining criminal culpability.

Seizure of Property

When both officers who discharged a weapon returned to the Lansing Police Department their weapons were confiscated. D/Sgt. Andrew Adamczyk did an ammunition count of the officers identified as having discharged their weapon and/or being witness officers. The ammunition count consisted of counting the ammunition located in their pistol and spare magazines. Each officer is issued a Glock 9mm pistol by the Lansing Police Department. Each pistol is accompanied with a 17 round capacity Glock magazine, along with two identical spare magazines that the officer carries on his/her duty vest. It was found that officers only load 16 rounds into the 17 round capacity magazines; this practice was consistent among most of the officers. Differences in how each officer loads their magazine(s) is documented below.

Officer Nicholas Zuber, Pistol serial number BWEW467: one round in chamber and 16 rounds in primary magazine inserted into pistol.

Spare magazine #1: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Spare magazine #2: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Rifle serial number LE482328: one round in chamber and 18 rounds in primary magazine inserted into rifle (19 rounds total). This is the only magazine that accompanied the rifle and is a 20-round capacity magazine. I was informed that unlike their pistol magazines, officers load rifle magazines to full capacity, therefore, Officer Zuber was missing one round of ammunition.

Officer Daniel Salinaz, Pistol serial number BGLT896: one round in chamber and 15 rounds in primary magazine inserted into pistol.

Spare magazine #1: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Spare magazine #2: 17 round capacity. The magazine was loaded with a total of 14 rounds.

D/Sgt. Adamczyk was informed by Det. Pung that Officer Salinaz was dispatched to a car vs. deer crash the night of October 3, 2022 (prior to the shooting incident).

During the car vs. deer investigation, Officer Salinaz was required to shoot the wounded deer with his pistol. Officer Salinaz then replaced the magazine in his pistol with a new magazine that was fully loaded to 16 rounds. 14 rounds were located in Officer Salinaz' spare magazine #2 as this is the magazine he used when shooting the wounded deer. This was confirmed via Ingham County Computer Aided Dispatch (CAD) notes; call number 22-0175461. The CAD notes have been placed in the First District master file. The event was also confirmed by D/Sgt. Jay Barkley (MSP Special Investigation Section) who watched Officer Salinaz shoot the deer with one shot via body camera footage.

Rifle serial number LE566564: the chamber was found to be empty as the weapon had been made safe by Lt. Michelle Spoelma. D/Sgt. Adamczyk located 19 rounds in the primary magazine inserted into rifle (19 rounds total). This is the only magazine that accompanied the rifle and is a 20-round capacity magazine. Officer Salinaz was missing one round of ammunition.

Officer Hayden Erickson, Pistol serial number BWEW468: one round in chamber and 16 rounds in primary magazine inserted into pistol.

Spare magazine #1: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Spare magazine #2: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Officer Bryant Wilson, Pistol serial number BWMC993: one round in chamber and 16 rounds in primary magazine inserted into pistol.

Spare magazine #1: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Spare magazine #2: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Officer Tony Cena, Pistol serial number BWMC999: one round in chamber and 16 rounds in primary magazine inserted into pistol.

Spare magazine #1: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Spare magazine #2: 17 round capacity. The magazine was loaded with a total of 17 rounds.

Officer Maxwell McCorry, Pistol serial number BWMD960: one round in chamber and 16 rounds in primary magazine inserted into pistol.

Spare magazine #1: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Spare magazine #2: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Officer Seth Osentoski, Pistol serial number BWMC990: one round in chamber and 16 rounds in primary magazine inserted into pistol.

Spare magazine #1: 17 round capacity. The magazine was loaded with a total of 16 rounds.

Spare magazine #2: 17 round capacity. The magazine was loaded with a total of 16 rounds.

No officer was found to carry a secondary pistol.

Officers Zuber and Salinaz's rifles were seized by D/Sgt. Adamczyk and subsequently turned over to Lt. Jeff Amley (MSP Crime Lab) for examination.

Officer Troy Mangrum informed D/Sgt. Adamczyk that he was in possession of Mr. Robinson's firearm. D/Sgt. Adamczyk met with Officer Mangrum and confirmed that the firearm was still secured in the trunk of his patrol car. D/Sgt. Adamczyk and Det. Reidle walked with Officer Mangrum to his patrol car where D/Sgt. Adamczyk took possession of the weapon. The firearm was contained in a plastic evidence bag that was covered in blood. D/Sgt. Adamczyk also observed the firearm to have a large amount of blood on it. D/Sgt. Adamczyk observed a single 9mm bullet in the bottom of the bag, as well as a pistol magazine with one round in it. D/Sgt. Adamczyk subsequently turned the handgun over to Lt. Jeff Amley for examination.

Officer Mangrum stated he was the "day shift relief" for the night shift officers who were still on scene. Officer Mangrum advised once the Mr. Robinson was shot, he assisted by providing first aid. Officer Mangrum stated as he approached Mr. Robinson, he observed a multicolored handgun approximately 12 inches away from Mr. Robinson's right hand/arm. Officer Mangrum assisted in placing handcuffs on Mr. Robinson, then he grabbed the handgun and made it safe. Officer Mangrum specified that by making it safe, he ejected the magazine and cleared the chamber. In doing so, Officer Mangrum advised one round ejected from the chamber and one round remained in the magazine. Officer Mangrum and fellow officers pulled Mr. Robinson a short distance away then rendered lifesaving measures. Officer Mangrum kept possession of Mr. Robinson's firearm the entire time before placing it in the trunk area of his patrol car.

Test of Suspected Narcotics

D/Sgt. Barkley documents in supplemental report number 3 the processing of Terrence Robinson's clothing he received during the autopsy. While D/Sgt. Barkley and D/Sgt. Adamczyk processed the property, they located two items suspected of being narcotics. These were located amongst Terrence Robinson's clothing. D/Sgt. Barkley has since entered the items into property as a baggy of a white crystal/powder substance (item number 5) and a baggy of green leafy substance (item number 9). Upon locating these items, D/Sgt. Adamczyk conducted a TruNarc Scan of property item number 5 and a Nark test of item number 9. The test results are as follows:

TruNarc Scan of Item Number 5 (white crystal/power):

Scan #1271 (Self Check) – Pass
Scan #1272 (Direct Scan) – Methamphetamine
Scan #1273 (Self Check) – Pass

Nark Test (green leafy substance):

Positive test for marijuana. There is no printable form of the result. The test pouch was discarded.

Lansing Police Department Patrol Vehicles with Damage

Sgt. Kellom stated that as he was driving patrol vehicle 54, he noticed one bullet hole in the bottom right corner of the windshield. It appeared the bullet then struck a speaker in the dashboard, as it had significant damage. He also noticed shattered glass in the front passenger seat. He also observed one bullet hole in the front passenger door.

Officer Bakri's patrol vehicle had a bullet hole in the roof. Officer Bakri's patrol vehicle was parked on the south side of Malcolm X, northwest of the residence.

Officer Ellis' patrol vehicle was noticed to have a "gouge" in the rear passenger door. Officer Ellis was also present on scene.

Officer Witness Statements (Officers that did not fire)

Sgt. Ryan Kellom

Sgt. Kellom stated that on October 3, 2022, at approximately 10:48 pm, officers responded to the area of Malcolm X St. and Buffalo St. for a shots fired complaint. Sgt. Kellom stated that at approximately 11:20 pm, Officer Pulver contacted him by phone and advised that they were out at 2023 W. Malcolm X St. and they had located several mopeds in the driveway and he suspected most, if not all, of them were stolen. Sgt. Kellom stated that at this point, he responded to the scene to assist with the investigation. Sgt. Kellom stated that after further investigation, it was determined that 3 of the mopeds were confirmed stolen. Sgt. Kellom stated that there was also a full-size conversion van with an improper plate on it. Sgt. Kellom stated that officers could see what appeared to be a 4-wheeler and minibike in the back of the van. Sgt. Kellom stated that at this point, Officer Kandel contacted the

on-call APA with Ingham County Prosecutor's Office and it was decided that Officer Kandel would draft a search warrant for the visible suspected stolen property located outside, along with any possible stolen property inside the residence.

Sgt. Kellom stated that Officer Kandel filled out a START matrix¹ for the search warrant. Sgt. Kellom stated that the total score added up to 19 points, which is in the range for a "START command consult." Sgt. Kellom stated that he called and spoke to Sgt. Kevin Schlagel (START commander) at 3:38 a.m. Sgt. Kellom stated that both Sgt. Schlagel and he agreed that this warrant could be executed by road officers that were already on scene and START would not be utilized.

Sgt. Kellom stated that Officer Kandel obtained a signed search warrant and responded back to the scene. Sgt. Kellom stated that at approximately 5:16 a.m. on October 4, 2022, Officer Pulver started making PA announcements, utilizing the PA system in his patrol car. Sgt. Kellom stated that these announcements lasted for several minutes with no success. Sgt. Kellom stated that at approximately 5:27 a.m., he and several other officers approached the front door and started knocking on it very loudly. Sgt. Kellom stated that they announced themselves as police officers and that they had a search warrant. Sgt. Kellom stated that eventually, a female answered the door. Sgt. Kellom stated that officers were able to secure this female without incident. Sgt. Kellom stated that as Officer Kandel and he were at the front door, they started announcing themselves and that they had a search warrant again and that everyone else inside needed to come outside. Sgt. Kellom stated that an unknown male voice could then be heard coming from, what sounded like, the upstairs. Sgt. Kellom stated that he could not visibly see this subject. Sgt. Kellom stated that it was difficult to hear what the subject was saying but eventually he could clearly hear the subject say that he was going to kill himself and/or we (police) were going to have to kill him. Sgt. Kellom stated that Officer Kandel attempted to negotiate with this subject for several minutes before it was decided that they would back away from the residence.

Sgt. Kellom stated that as he, and other officers were taking positions of cover in the driveway, he heard one apparent gunshot come from inside the residence. Sgt.

¹ START is the Lansing Police Department's tactical team (their version of SWAT). The matrix is the criteria (point system) by which their agency decides if their tactical team will be activated/deployed.

Kellom stated that he immediately relayed on the radio, "shots fired, shots fired." Sgt. Kellom stated that at this point, he relocated behind a patrol car on Malcolm X to get cover and to try to get a better view of the residence. Sgt. Kellom stated that approximately 5 minutes after the first shot, he heard several more apparent shots coming from inside the residence. Sgt. Kellom stated that these shots continued off and on for a period of time. Sgt. Kellom stated that he could not see who was shooting or which direction the shots were going. Sgt. Kellom stated that since the subject was actively shooting and it was unknown where the shots were going, he requested an emergency START activation. Sgt. Kevin Schlagel acknowledged this request on the radio. Sgt. Kellom stated that at approximately 5:44 a.m. officers to the south of the residence called out that a subject had exited the residence and was now running. Sgt. Kellom stated that at this point, he briefly saw a subject running w/b near Buffalo St. from just south of the residence. Sgt. Kellom stated that he immediately repositioned himself from the west side of the patrol vehicle he was behind to the east side. Sgt. Kellom stated that he did this because he wasn't 100% certain where the officers were located to the south of him, and he was concerned about crossfire. Sgt. Kellom stated that as he was repositioning himself, he heard several more shots. Sgt. Kellom stated that he then heard an officer on the radio advise "shots fired, subject down." Sgt. Kellom stated that he did not observe the subject or any officers shoot.

Sgt. Kellom stated that after he heard an officer advise the subject was down, he observed a subject laying in the middle of Buffalo St., just west of the residence. Sgt. Kellom stated that he observed the subject moving around but he wasn't responding to their commands. Sgt. Kellom stated that it was difficult to see if the subject had a gun in his possession. Sgt. Kellom stated that Officer Kandel was able to confirm that a gun was laying next to the subject with the use of binoculars. Sgt. Kellom stated that after several minutes, the decision was made for him and other officers located to the north of the subject, to carefully approach the subject. Sgt. Kellom stated that they were able to do this and secure the subject in handcuffs and recover a handgun that was located near him.

Sgt. Kellom stated that they then carried the subject back to Malcolm X St. and behind a patrol vehicle for cover. Sgt. Kellom stated that several officers started rendering aid to the subject until LFD arrived on scene and took over. Sgt. Kellom stated that once the subject was transported by LFD, he was requested by Sgt Kevin Schlagel to respond to the incident command post, located at Malcolm X and

Olds. Sgt. Kellom stated that he started driving to this location in his patrol car (54). Sgt. Kellom stated that as he was driving, he noticed one bullet hole in the bottom right corner of the windshield. It appeared the bullet then struck a speaker in the dashboard, as it had significant damage. Sgt. Kellom stated that he also noticed shattered glass in the front passenger seat. Sgt. Kellom stated that once he arrived at the command post, he also observed one bullet hole in the front passenger door. Sgt. Kellom stated that he relayed this information to D/Sgt Brent Sorg. He then turned the keys to his patrol vehicle over to Sgt Kevin Schlagel.

Officer Jameil Bakri

On October 03, 2022, at approximately 10:48 pm, Officer Barabanov and Officer Bakri reported to the area of Buffalo and Malcolm X St. for a report of shots fired. Officer Bakri stated that while enroute dispatch advised that the accused were leaving on mopeds "Westbound". Officer Bakri stated that when they arrived into the area Officer Bakri began searching the surrounding areas for a possible accused when Officer Bakri was notified, via radio, that Officer Pulver needed another officer on scene at the intersection of Buffalo and Malcolm X St. Officer Barabanov and Officer Bakri then went to Officer Pulver's location and learned that the accused may have went inside of 2023 W. Malcolm X St. which is on the southeast corner of Buffalo and Malcolm X St. Officer Pulver advised that he'd spoken with the original caller and that 2023 W. Malcolm X St. was implicated as the possible address for the accused in this incident.

Officer Bakri stated that upon seeing 2023 W. Malcolm X St. he recognized the residence from a prior incident where Officer Ellis, from the Lansing Police Department, attempted to make a traffic stop on a moped that ultimately stopped in the backyard of 2023 W. Malcolm X St. Officer Bakri stated that the moped was being operated by suspected juveniles who quickly jumped off of the moped and fled from the stop. No accused were located in this incident and the moped was later found to have been reported stolen.

Officer Bakri stated that he observed approximately 5 mopeds in the driveway of 2023 W. Malcolm X St. Officer Bakri stated that the caller for the shots fired advised that the accused may have left the scene of the shots fired on a moped. Officer Bakri stated that at least 2 mopeds, in the driveway of 2023 W. Malcolm X St. appeared to be missing body panels that surround the ignition and had exposed

wiring. Officer Bakri stated that in his training and experience, on patrol, this is consistent with mopeds that have been stolen as subjects often rip the panels off to access the wiring in order to start the mopeds without the keys (Hot wiring). Officer Bakri stated that due to the prior history of a stolen moped located behind this address, the 2 mopeds with exposed wiring consistent with those that have been stolen, and the fact that the caller advised that the accused was on a moped, the decision was made to run the VINs of the mopeds to check for possible owner information that could lead to the accused identity and/or if the mopeds were stolen. Officers on scene later learned that 3 of the 5 mopeds were reported as stolen.

Officer Bakri stated that while attempting to gather the VIN information on the mopeds an unknown male and unknown female began speaking to them from inside of the residence. Officer Bakri stated that he did not speak directly with the unknown male subject, however, he did speak with the unknown female who he later confirmed to be [REDACTED] via her LEIN photo. [REDACTED] began speaking with Officer Bakri through the east upstairs window of the residence. Officer Bakri stated that while speaking with [REDACTED] he observed an unknown male wearing all black clothing and a black ski mask standing behind her. Officer Bakri stated that he additionally observed a black male wearing a green colored vest who was later identified as Terrence Robinson. Officer Bakri stated that both Terrence and the unknown male subject in all black came into view and out of view behind [REDACTED] in the upstairs east window of the residence multiple times throughout his contact with her.

Officer Bakri stated that [REDACTED] opened the upstairs east side window and began asking why police were at her residence. Officer Bakri stated that [REDACTED]'s upper half of her body was hanging outside of the window while speaking to him. [REDACTED] was asked if she would come outside to speak with Officer Bakri but ultimately declined. Officer Bakri stated that he advised [REDACTED] that there was a shots fired call where the accused was possibly on a moped and that her residence was implicated. Officer Bakri stated that he also advised [REDACTED] that there was prior history of a stolen moped in the backyard of her address. Officer Bakri stated that he then asked if she knew who the 5 mopeds, that were in her driveway, belonged too. Officer Bakri stated that [REDACTED]'s demeanor appeared to change as she became quiet and appeared frightened by what he said. Officer Bakri stated that [REDACTED] then advised that she did not know where the mopeds came from and that they'd been left in her driveway a long time ago. Officer Bakri stated that

██████████ also advised that one of the mopeds were found inside of her residence when she moved in. Officer Bakri stated that ██████████ also advised that she'd attempted to tell police about the mopeds at another undisclosed time.

Officer Bakri stated that during this time it was confirmed that at least 1 of the mopeds were reported as stolen. Officer Bakri stated that ██████████ advised him to get a search warrant and advised that he could not just come up into her driveway and begin documenting the VIN numbers of the mopeds. Officer Bakri stated that he advised ██████████ that he was there legally investigating a shots fired call where the accused was possibly on one of the mopeds, that there was prior history of stolen mopeds at this address and that there was already 1 confirmed stolen moped outside of her address at that time. Officer Bakri stated that ██████████ then closed the window and walked away. Officer Bakri stated that ██████████ came back to the window a short time later to ask why police were outside of her residence. Officer Bakri stated that he advised ██████████ that they were checking the rest of the mopeds to ensure they were not stolen as well. Officer Bakri stated that ██████████ was asked multiple times to come outside to speak with officers but continued to decline.

Officer Bakri stated that upon learning that 3 of the 5 mopeds were confirmed to be stolen, they began attempting to contact the registered owners of the 2 mopeds that were not confirmed stolen to ensure that they were not in fact stolen and just not reported. Officer Bakri stated that additionally there was a small trike (3 wheeled moped) and pink colored mini bike inside of a blue colored GMC Savana parked in the driveway of the residence that he also suspected to be stolen as body panels were missing and the wiring was exposed on the Trike. Officer Bakri stated that there were no exceptions to the search warrant rule present to allow them to enter into the blue GMC Savana to check for stolen property at that time. Officer Bakri stated that Officer Kandel advised that he was going to attempt to get a search warrant to search for additional stolen property (inside and out of the residence) and to seize the 2 mopeds that were not reported stolen for safe keeping until a registered owner could identify themselves so that we were not leaving possible unreported stolen items at this address. Officer Bakri stated that as Officer Kandel was working on the search warrant, he then left the scene to take other calls in the City until he was advised that Officer Kandel had an approved and signed search warrant. Officer Bakri stated that Officer Pulver remained on scene for scene security at that time.

Officer Bakri stated that on October 4, 2022, at approximately 5:00 a.m., he was notified by Sgt. Kellom that Officer Kandel had received a signed search warrant to search the residence for stolen property and to return to 2023 W. Malcolm X St. to aid in attempting to call the occupants out of the residence. Officer Bakri stated that upon arrival back to the scene Officer Pulver began to use the PA system in his patrol vehicle to advise the occupants of 2023 W. Malcolm X St. to exit the residence. Officer Bakri stated that using TLO, he was able to find a phone number (517-214-5172) for [REDACTED] (homeowner). Officer Bakri stated that he began calling this number in hopes to reach [REDACTED] and persuade her to come outside. Officer Bakri stated that he also utilized the PA system to advise [REDACTED] that he was attempting to call her. Officer Bakri stated that upon calling the line stopped ringing and he began hearing a low static sound that was consistent with someone answering. Officer Bakri stated that the line then disconnected. Officer Bakri stated that upon calling back the line went to voicemail where [REDACTED] identified this number as being her own. Officer Bakri stated that he then disconnected and called back. [REDACTED] then answered the phone. Officer Bakri stated that he recognized the voice as the one that spoke with him through the East side window of the residence earlier in the night. Officer Bakri stated that he advised [REDACTED] that he was with the Lansing Police and then the line disconnected again. Officer Bakri stated that he continued to call [REDACTED] approximately 3 more times, however, there was no answer.

Officer Bakri stated that he, Officer Pulver, Officer Kandel, Officer Barabanov, Officer Chaffee, and Sgt. Kellom then approached the front door of the residence. Officer Bakri stated that as officers began to knock, [REDACTED] opened the door and exited the residence. Officer Bakri stated that [REDACTED] was passed back to Officer Barabanov and I who were standing at the back of the line of officers per our training. Officer Bakri stated that as he was attempting to secure [REDACTED], [REDACTED] then looked upwards towards the upstairs window on the Northside of the residence and began speaking in an unknown language. Officer Bakri stated that [REDACTED]'s entire facial expression changed during this time prompting him to ask her what she was saying. Officer Bakri stated that [REDACTED] then advised him that she was just "talking to her camera". Officer Bakri stated that he did not see a camera at this time. Officer Bakri stated that he then advised Officer Barabanov to secure [REDACTED] in the backseat of Officer Pulver's vehicle that was stationed at the end of the driveway.

Officer Bakri stated that he then re-approached the front door of the residence where Officer Kandel and Sgt. Kellom were standing. Officer Bakri stated that upon getting closer to the residence he began hearing an unknown subject tell Officer Kandel that if they came inside of the residence he was going to die. Officer Bakri stated that Officer Kandel began to attempt at de-escalating/reasoning with the unknown subject and advised him to come outside. Officer Bakri stated that he then walked back to Officer Pulver's patrol vehicle to speak with [REDACTED] in hopes to get more information on the subjects inside of the residence. Officer Bakri stated that [REDACTED] then advised him that she knew the subject threatening his own life as "T". Officer Bakri stated that Officer Kandel continued to attempt at

de-escalating/reasoning with the subject, however, the decision was then made to back away from the residence. Officer Bakri stated that they did not enter the residence at this time.

Officer Bakri stated that as he stood near Officer Pulver's patrol vehicle, he observed Officer Kandel back away from the residence towards the rear passenger side of the Blue GMC Savana that was parked in the driveway. Officer Bakri stated that he then heard a loud "pop" sound consistent with a gunshot and saw what appeared to be fragments bounce off of the passenger side of the blue GMC Savana approximately 1 foot from where Officer Kandel was standing. Officer Bakri stated that he then sought cover behind Officer Pulver's patrol vehicle that was parked directly behind the blue GMC Savana, and unholstered his duty issued handgun.

Officer Bakri stated that during this time he heard several more "pop" sounds consistent with gunshots and heard an unknown subject screaming "kill me" repeatedly. Officer Bakri stated that the unknown subject then closed the front door of the residence and turned off the upstairs lights. Officer Bakri stated that the subject then began to shoot out of the upstairs windows of the residence on the North, East and West side of the address. Officer Bakri stated that due to the dark lighting, and a large tree, he was unable to see where the subject was shooting from besides the suspected muzzle flash from the gun they were shooting. Officer Bakri stated that he attempted to get a better angle, however, the subject often moved to a different window upon firing. Officer Bakri stated that during this time, other occupants inside the residence began attempting to flee. Officer Bakri stated that an unknown female ran out of the front door of the residence and back towards him. Officer Bakri stated that Officer Chaffee, who was standing directly behind him,

secured the unknown female behind him. Officer Bakri stated that he advised the unknown female to stay low to the ground and continued to search for the subject in the upstairs windows to stop the threat of ongoing gunfire. Officer Bakri stated that during this time he attempted to get information from the unknown female behind him and relay it to Officer Kandel, however, the information was minimal.

Officer Bakri stated that the unknown subject then began yelling out of the East window that his daughter's birthday was soon and that he would not get to see it. Officer Bakri stated that Officer Kandel attempted to de-escalate the subject by pleading with him to stop shooting and reminding him to think about his daughter. Officer Bakri stated that the subject then yelled "fuck you" and continued to fire upon them. Officer Bakri stated that a short time later he then heard the same "pop" sound consistent with the accused's firearm from behind the residence. Officer Bakri stated that he could then hear officers, via the radio, advising that the accused was coming out the back of the residence. Officer Bakri stated that as he began to move Westbound along the patrol cars lining W. Malcolm X St., to get a view of the Southwest corner of the residence, he then heard another "pop" sound consistent with the accused's firearm. Officer Bakri stated that he then heard a much louder "pop" sound consistent with a higher caliber weapon shortly after.

Officer Bakri stated that as he took cover behind his patrol vehicle that was parked on W. Malcolm X St. just east of Buffalo, he observed the unknown subject he had seen earlier with the green vest laying on the ground just North of patrol vehicle #15. Officer Bakri stated that patrol vehicle #15 was parked diagonally across Buffalo St. with the driver's side facing Northbound towards W. Malcolm X St. Officer Bakri stated that the subject, later identified as Terrence Robinson, was laying on his back and moving his arms upward towards the sky and then back down to his side. Officer Bakri stated that he was unable to see the location of the firearm as he was approximately 25 yards away from the subject at that time. Officer Bakri stated that Officer Kandel retrieved his binoculars from his patrol vehicle and advised that the firearm was laying on the pavement just North of the subject. Officer Bakri stated that there was another subject laying on the ground behind Vehicle #15 that was later discovered to be another occupant of 2023 W. Malcolm X St. that exited during the time that Terrence was firing shots towards them. Officer Bakri stated that other Officers began attempting to call that unknown subject away from Patrol vehicle #15 so that they could approach

Terrence and provide medical aid. Officer Bakri stated that Sgt. Kellom also requested LFD at that time.

Officer Bakri stated that upon seeing that the unknown subject behind patrol vehicle #15 was moved . . . myself, a Lansing Township Officer, Officer Kandel, and Officer Mangrum then approach toward Terrence. Officer Bakri stated that upon approaching Terrence, he located a multicolored handgun laying in the street just North of Terrence. Officer Bakri stated that he placed his right foot on top of the firearm to secure it in place while Terrence was being secured. Officer Bakri stated that once Terrence was secured another Officer and himself then moved Terrence behind his patrol vehicle #3 located on W. Malcolm X St. just East of Buffalo St. Officer Bakri stated that Officer Mangrum then retrieved the multicolored handgun from the street. Officer Bakri stated that the decision was made to move Terrence because they were exposed to the West side of 2023 W. Malcolm X, without cover, and it was unknown who was still inside. Officer Bakri stated that by moving Terrence behind his patrol vehicle they were able to establish cover and a good location for medics to easily approach.

Officer Bakri stated that upon reaching their place of cover they placed Terrence on his back in the roadway. Officer Bakri stated that he then lifted Terrence's vest/shirt and located what appeared to be a gunshot wound on the right side of his body, on his rib cage. Officer Bakri stated that he then applied rubber gloves and placed pressure on the wound, to stop the bleeding, while other Officers provided CPR until LFD arrived on scene. Officer Bakri stated that upon LFD leaving he took a perimeter point on the Northwest corner of the residence until he was relieved by a member of the START tactical team.

Officer Sagar Kandel

Officer Kandel stated that on October 4, 2022, at approximately 5:20a.m., he responded to 2023 W. Malcolm X Street to execute a search warrant reference to stolen property (LPD report #2251909026). Officer Kandel stated that he had a valid search warrant in hand that was signed by Judge Kristin Simmons of the 54A District Court. Officer Kandel stated that the search warrant was for the residence and the curtilage of 2023 W. Malcolm X. Officer Kandel stated that upon arrival, he observed that officers were make announcements through the in-car PA system. Officer Kandel stated that he also observed that officers had placed a fully marked

Lansing Police Department patrol vehicle near the driveway and had the overhead red and blue flashing lights activated, further identifying ourselves as police officers.

Officer Kandel stated that after the PA announcements were unsuccessful, officers formed a contact team to execute the search warrant. Officer Kandel stated that he was one of the officers that was in the front of the contact team. Officer Kandel stated that he had his department issued handgun out while covering the front door of the residence before making entry. Officer Kandel stated that while at the front door, he made additional verbal announcements. Officer Kandel stated that he heard a female voice inside the residence. Officer Kandel stated that he asked the female to come to the door. Officer Kandel stated that the female then answered the door. Officer Kandel stated that he then grabbed onto the female and handed her to Officer Chaffee so she could be detained while officers executed the search warrant. Officer Kandel stated that the female was asked who else was inside the house and she said, "I just called 911". Officer Kandel stated that he was unsure who or how many people were inside the house.

Officer Kandel stated that once the female was secured, he heard a male voice from inside the residence saying, "I love you all." Officer Kandel stated that he then made another announcement saying, "Lansing Police we have a search warrant". Officer Kandel stated that the male then said that he was going to kill himself if they came any closer. Officer Kandel stated that at this point, he maintained his position outside of the front door and did not go inside the house. Officer Kandel stated that the male kept saying that he was going to kill himself. Officer Kandel stated that he asked the male if he had a gun, and the male did not respond to his question. Officer Kandel stated that he is a trained crisis negotiator with the Lansing Police Department. Officer Kandel stated that in an attempt to de-escalate the situation, he asked the male for his name so he could negotiate with him. Officer Kandel stated that he told the male that nobody wanted to hurt him, and he explained to the male that he would read the male the search warrant once he came outside and talked to him. Officer Kandel stated that he could not see this male but could hear him. Officer Kandel stated that the male then said, "I will kill myself or you are going to kill me." Officer Kandel stated that he continued to try and negotiate with the male and told him that nobody wanted to kill him. Officer Kandel stated that the male then told him to go home to his family. Officer Kandel stated that he then asked the male why he wanted to kill himself. Officer Kandel

stated that the male responded by saying, "it's my daughter's birthday and you want to take me to prison."

Officer Kandel stated that he then made the decision to step back from the door due to the suicidal statements that were made. Officer Kandel stated that he then took cover behind a green colored van that was parked in the driveway, in front of the front door. Officer Kandel stated that the front door was wide open, but he did not have visual on the male subject. Officer Kandel stated that he continued covering the front door while other officers could talk to the female that had exited the residence to gain further information on the male making suicidal statements inside the residence. Officer Kandel stated that as he continued waiting, he heard one gunshot go off from inside the residence. Officer Kandel stated that he heard the round making impact on the right side of the green van that he was standing behind. Officer Kandel stated that he did not see the subject fire the gun but felt the impact of the round hitting the van. Officer Kandel stated that this indicated to him that the round had landed very close to him. Officer Kandel stated that when he watched his body worn camera at a later time, it appeared that the male had fired the first round from a window that was directly next to the front window. Officer Kandel stated that the area where the male fired the round from was less than 50 ft away from his position. Officer Kandel stated that he continued to stay behind his position of cover until officers could formulate a plan. Officer Kandel stated that as he continued staying behind cover, he heard a male and female voice inside. Officer Kandel stated that he could not hear what the male subject was saying but he could hear the female crying. Officer Kandel stated that the female then exited the front door with her hands up. Officer Kandel stated that he yelled Lansing Police and asked the female to come walk towards him. Officer Kandel stated that he asked the female if she had a gun on her and she said no. Officer Kandel stated that the female was shaking and visibly in distress. Officer Kandel stated that he asked the female who had fired the shots at the officer, and she advised it was "T". Officer Kandel stated that he then asked other officers on scene to take custody of the female and debrief her to gain further intelligence about the subject shooting at officers.

Officer Kandel stated that he continued maintaining his position behind the green van. Officer Kandel stated that he could hear the male yelling inside but could not understand what he was saying. Officer Kandel stated that he then observed the male throwing something on the ground near the front door. Officer Kandel stated

that he tried to negotiate with the male and told him that nobody wanted to hurt him. Officer Kandel stated that the male then shut the front door. Officer Kandel stated that after losing visual inside the residence through the front door, he moved behind another van where Officer Pulver was taking cover. Officer Kandel stated that once he moved to Officer Pulver, he heard another round go off and heard glass breaking. Officer Kandel stated that he could not tell where the shot had been fired from in the residence, but he knew the shot had landed very close to them due to the sound of glass breaking. Officer Kandel stated that he could tell by how the shots sounded during impact that the subject was shooting at them from an elevated position. Officer Kandel stated that the subject would move to different locations within the house. Officer Kandel stated that at one point the front door opened then closed again. Officer Kandel stated that the subject fired multiple shots at officers while Officer Pulver and him were taking cover behind the van. Officer Kandel stated that he then heard the subject say, "kill me now". Officer Kandel stated that he yelled at the male that nobody wanted to kill him and asked him to come outside. Officer Kandel stated that the subject then continued shooting at officers. Officer Kandel stated that he could hear the glass break every time he heard the gun shot. Officer Kandel stated that at one point, he was standing on the left side of the van that he was taking cover in when he observed muzzle flash coming from the window on the east side of the residence. Officer Kandel stated that the subject had turned off the lights inside the house and making it impossible to get a visual on him. Officer Kandel stated that he did not fire his handgun when he observed the muzzle flash because there was information there were possibly some additional bystanders inside the residence. Officer Kandel stated that he was pinned down in the driveway and it felt like every time he would attempt to gain visual of the house, the subject fired a round.

Officer Kandel stated that as he continued to seek cover behind the van, the male yelled "It's my fucking kid's birthday and you guys are fucking with me." Officer Kandel stated that he then tried to talk to the subject more about his kids. Officer Kandel stated that he asked the male how many kids he had and responded by saying, "I have one fucking kid." Officer Kandel stated that he asked the male if the kid was in the house, and he responded by saying that he won't get to see her until she turns 10. Officer Kandel stated that he continued trying to negotiate with the male and asked him to think about his kid. Officer Kandel stated that the male yelled "fuck you" several times as he was pleading with the male to think about his child. Officer Kandel stated that the male continued yelling "kill me now." Officer

Kandel stated that Officer Bakri then told me that the subject that was shooting went by the name of "T". Officer Kandel stated that he then tried to negotiate with him again using his name. Officer Kandel stated that at this time the subject fired another round towards officers. Officer Kandel stated that he continued talking to the subject from behind cover. Officer Kandel stated that he then observed the subject fire a round from the window located on the north side of residence. Officer Kandel stated that he continued staying behind cover as he had nowhere else to go to. Officer Kandel stated that he requested dispatch to send a patrol car to come from the east and park a few houses down so Officer Pulver and he could get better cover. Officer Kandel stated that as this was happening, he continued hearing shots. Officer Kandel stated that he then heard an officer over the radio that the shooter was running. Officer Kandel stated that he then heard several more shots and heard an officer over the radio say that the shooter was down.

Officer Kandel stated that he then left his position and went over to the corner of Malcolm X and Buffalo where the other officers were. Officer Kandel stated that he then observed a male laying down on the ground near patrol vehicle #15. Officer Kandel stated that he observed an object to the right of the subject but could not immediately identify what the object was. Officer Kandel stated that he then went and grabbed his binoculars which were in the trunk of his patrol vehicle. Officer Kandel stated that using his binoculars, he confirmed that the object next to the subject was in fact a handgun. Officer Kandel stated that at this point, LFD was requested to respond to the scene. Officer Kandel stated that he saw the subject moving his hands, but the movement stopped after a brief moment. Officer Kandel stated that there was another subject that was laying prone behind car 15 that was not the shooter. Officer Kandel stated that other officers were able to secure that subject.

Officer Kandel stated that once the other subject was secured, officers formed a contact team and approached the suspect that was down. Officer Kandel stated that he had his handgun out as they approached the subject. Officer Kandel stated that once they got closer to the subject, he observed the subject's head move. Officer Kandel stated that they then continued approaching the subject. Officer Kandel stated that once they got up to the subject, he rolled the subject over and handcuffed the subject behind his back. Officer Kandel stated that he could feel a faint pulse on the subject. Officer Kandel stated that he could also hear agonal breathing on the subject. Officer Kandel stated that due to the officers being completely exposed with

no cover, a decision was made to move the subject behind a patrol car. Officer Kandel stated that they then dragged the subject to the back of a patrol car. Officer Kandel stated that once they got to the patrol vehicle, he observed the subject had a gunshot wound to the right side of his abdomen. Officer Kandel stated that he then immediately started chest compressions on the subject. Officer Kandel stated that after the first set of compressions, he had Sgt. Ramsden from Lansing Township Police Department take over the compressions because of exhaustion. Officer Kandel stated that after taking a break, he took over compressions from Sgt. Ramsden. Officer Kandel stated that the subject was still moving and appeared to be breathing. Officer Kandel stated that after doing another set of compressions, he was relieved by Officer Mangrum. Officer Kandel stated that Lansing Fire Department medics then arrived on scene and took over medical attention for the subject. Officer Kandel stated that once the subject was transported by medics, he briefly maintained cover at the residence before being relieved by other officers.

Officer Antonio Cena

Officer Cena stated that on October 4, 2022, he was working as a patrol officer and a FTO (Field training officer) for recruit Officer Max McCrory. Officer Cena stated that the two of them were on patrol in a fully marked City of Lansing police car. Officer Cena stated that at approximately 5:30 a.m. central dispatch toned priority back-up to the intersection of W. Malcolm X Street and Buffalo for a report of shots fired at police officers. Officer Cena stated that he and Officer McCrory responded to the priority.

Officer Cena stated that upon their arrival, Officer McCrory parked their patrol car near the intersection of Williams Street and Buffalo Street south of 2023 W. Malcolm X. Officer Cena stated that as he exited the patrol car, he heard arbitrary gun shots coming from the north near Malcolm X. Officer McCrory and Officer Cena took cover behind a police car and utility pole on the East side of Buffalo St. Officer Cena stated that from his perspective, he witnessed other Lansing police officers standing behind 812 Buffalo St. yelling for help along with 2 citizens laying in prone position near the roadway.

Officer Cena stated that as gun fire continued towards them, coming from 2023 W. Malcolm X., he ran to assist officers behind 812 Buffalo St. which also made him closer to the citizens laying in the roadway. Officer Cena stated that he checked on

the other officers and verified no one was injured. Officer Cena stated that officers began to formulate a plan to safely call the citizens in the roadway back to them and get them out of the way of the gunfire. Officer Cena stated that as officers began yelling commands towards the prone citizens, he heard officers yell, "He's coming out" indicating the gunman had now exited the house. Officer Cena stated that he moved to a position of tactical engagement, and he witnessed officers open fire towards the direction of the target residence. Officer Cena stated that he heard officers yelling "shots fired" and "suspect down".

Officer Cena stated that from his angle, he was unable to see the gunman but was advised by other officers he was on the ground in front of a police patrol car in front of him. Officer Cena stated that officers yelled that the suspect was still moving but unable to see the weapon. Officer Cena stated that once officers from the North side of the perimeter made a contact team, they were able to safely approach the accused suspect and take custody of a firearm. Officer Cena stated that officers continued to direct the prone citizens to stand up and run to our safe location. Officer Cena stated that he took custody of one witness behind 812 Buffalo St. Officer Cena stated that the witness was placed into handcuffs behind his back, double locked and checked for tightness. Officer Cena stated that once the scene was declared safe, he removed the handcuffs. Officer Cena stated that he verbally identified him and took his statement.

Officer Cena stated that the witness was identified as Domonic Michael Thomson. Officer Cena stated that Thomson stated that tonight he was at 2023 Malcolm X St. for a house party. Officer Cena stated that Thomson stated during the night there was some alcohol and marijuana use among everyone inside. Officer Cena stated that Thomson was uncertain about many details however stated he believed the house belonged to a female named "Tia" or "Tina" described as a white or mixed, older female with a rough exterior appearance wearing black leggings and her boyfriend, an unknown black male named "T". Officer Cena stated that Thomson stated he was at the party with 2 other friends. "Dom" or "Dominic" was described as a young 18-year-old black/mixed male with short blonde/brown hair and heavy build and a friend named "Jeff" who was with Thomson when police took him into custody in the roadway. Officer Cena stated that Thomson also believed 2 other unknown females were inside the house at the time of the party, but he was unable to recall any details about them. Officer Cena stated that Thomson stated after the party, he was sleeping inside an upstairs bedroom along with Dom and Jeff. Officer

Cena stated that Thomson detailed during the night he heard a disturbance or something going on outside, but he was not conscious enough to recall details. Officer Cena stated that Thomson stated the 3 of them where awakened to the sound of gun shots coming from inside the house.

Officer Cena stated that Thomson stated the 3 where scared and did not know what was going on. Officer Cena stated that Thomson said they all hid in different parts of the bedroom and tried to remain hidden while the gunshots were being fired. Officer Cena stated that Thomson indicated he could hear "T" yelling at police from inside the house and he believed "T" was shooting at police from inside the house. Officer Cena stated that Thomson stated at one point, Dom tried to exit the bedroom, at the bedroom door to confront "T". Suddenly Dom ran back into the bedroom and said, they needed to get out of the house immediately. Officer Cena stated that Thomson stated he heard walking up the stairs towards the bedroom. Officer Cena stated that Thomson stated he was scared for his life and believed had "T" found him he would have killed him. Officer Cena stated that Thomson stated "Dom" opened the bedroom window and jumped out. Jeff followed and jumped out second. Officer Cena stated that Thomson followed and also jumped from the second story window falling to the ground and twisting his ankle upon impact. Officer Cena stated that Thomson stated he tried to run towards police when he was stopped and instructed to lay down prone near a police car. Officer Cena stated that Thomas stated he was taken into police custody.

Officer Cena stated that Thomson stated he hurt his ankle badly and requested medical treatment. Officer Cena stated that Thomson was taken to Sparrow hospital by Lansing Fire. Officer Cena stated that Thomson stated he was recently incarcerated at the Eaton Co jail and since his release he has not had a cell phone nor a permanent address. Officer Cena stated that while he was with Thomson at Sparrow emergency, Thomson was joined by a next of kin. Officer Cena stated that he identified her as Jennifer Root. Officer Cena stated that Thomson was left in the care of Sparrow emergency staff along with another Lansing police officer awaiting a formal interview with investigators.

Officer Jonathan Chaffee

Officer Chaffee stated that he assisted in the serving of a search warrant for 2023 W. Malcom X. Officer Chaffee stated that Officers on scene made announcements

into the residence. Officer Chaffee stated that while serving the warrant, one subject (██████████) came to the north entry door of the residence. Officer Chaffee stated that he made contact with ██████ and took her into custody. Officer Chaffee stated that he placed handcuffs on ██████ double locking them and checking for tightness. Officer Chaffee stated that once ██████ was searched, he placed ██████ in the back of a patrol vehicle. Officer Chaffee stated that while placing ██████ in the patrol vehicle, ██████ stated "do I have to stay right here?".

Officer Chaffee stated that after securing ██████ he moved back up the driveway closer to the residence where Officer Kandel was standing. Officer Chaffee stated that Officer Kandel and he were standing in the driveway behind a green GMC Van. Officer Chaffee stated that a single shot was then fired at officers from the residence. Officer Chaffee stated that a female (██████████) exited the residence and approached officers. Officer Chaffee stated that ██████ advised that the unknown subject was going to shoot himself. Officer Chaffee stated that he escorted ██████ to a position farther away from the house behind a patrol vehicle. Officer Chaffee stated that he then placed handcuffs on ██████ double locking them and checking for tightness, and then searched her.

Officer Chaffee stated that while in a position of cover with ██████, ██████ advised that the subject was upstairs and was going to kill himself. Officer Chaffee stated that officers continued making announcements to the subject inside. Officer Chaffee stated that the subject then fired multiple more shots in the direction of officers. Officer Chaffee stated that ██████ advised that the man shooting at officers was "Tee". Officer Chaffee stated that the subject continued to fire shots towards officers. Officer Chaffee stated that ██████ advised that there were three people still in the residence. Officer Chaffee stated that once safe to do so he placed ██████ in a patrol vehicle and moved four structures east down W. Malcolm X. Officer Chaffee stated that he then stayed as a perimeter point at that position until relieved of his duties. Officer Chaffee stated that he took both females into custody and placed them in a patrol vehicle. Officer Chaffee stated that he stayed with the females until another officer relieved him of his duties and transported the females off scene.

Officer Hayden Erickson

Officer Erickson stated that on October 4, 2022, he assisted with a search warrant at 2023 W. Malcolm X St. Officer Erickson stated that he was given the task as a perimeter unit on the southwest side of the house. Officer Erickson stated that he arrived on scene at 1:46a.m.. Officer Erickson stated that when he arrived on scene, he made contact with Officer Damon Pulver. Officer Erickson stated that Officer Pulver advised him he located stolen property in the driveway of 2023 W. Malcolm X St. and that Officer Sagar Kandel was working on a search warrant for the property.

Officer Erickson stated that he positioned his patrol vehicle (vehicle 15) on Buffalo St. south/west (s/w) of 2023 W. Malcolm X St. Officer Erickson stated that he utilized his overhead scene lighting and his spotlight allowing him to see the s/w door of the residence along with several windows. Officer Erickson stated that while waiting for the search warrant, he observed a male in the upper s/w window (directly above a double window near the s/w double doors) poke his head into view shortly before seeing his spotlight and ducking back out of view. Officer Erickson stated that he was unable to make out any clear details from the male. Officer Erickson stated that subsequently (he is unsure how much time had passed), he observed movement in that same upper window again. Officer Erickson stated that this time it appeared somebody was holding a blanket up over their forearm covering them up completely. Officer Erickson stated that the person continued holding the blanket over them and opened the window. Officer Erickson stated that at this time, he made an announcement over his vehicle's PA speaker system stating that the Lansing Police Department was outside and a search warrant was being drafted for the house. Officer Erickson stated that he also told the person they could come outside now (in an effort to secure anybody inside the house prior to officers going inside the residence). Officer Erickson stated that the window then closed and he did not see any further movement. Officer Erickson stated that he did not get a view of the person due to the blanket covering them.

Officer Erickson stated that at approximately 5:40a.m., he observed Officer Sagar Kandel arrive on scene along with some additional officers. Officer Erickson stated that he then saw the officers walking up to the front of the house to execute the search warrant. Officer Erickson stated that he walked up to a large tree located on the s/w side of the house to keep the rear perimeter established. Officer Erickson

stated that shortly after, he observed someone moving around in the upper south window of the residence (east of the s/w double doors). Officer Erickson stated that he notified the officers on scene over the radio about what he was seeing. Officer Erickson stated that he was not able to make out any details of the person moving.

Officer Erickson stated that while he was standing behind the tree, he heard a single gunshot from what he believed to be coming from inside the residence. Officer Erickson stated that he ran back to the rear of his patrol vehicle to gain some additional cover. Officer Erickson stated that he quickly realized that his patrol vehicle was not a safe location to be as it was lighting up the back yard. Officer Erickson stated that he ran to find cover at the house s/w of 2023 W. Malcolm X St. (812 Buffalo St). Officer Erickson stated that he was standing on the south/east side of the house and was able to partially see some movement from the south window of the residence. Officer Erickson stated that he advised the officers on scene again about the movement from the rear window over the radio.

Officer Erickson stated that shortly after, he observed someone inside the house turn on what appeared to be a flashlight or phone light before quickly ducking down out of sight. Officer Erickson stated that he could see this person on the first floor in the front living room area but could not make out any specific details. Officer Erickson stated that he again relayed this information over the radio. Officer Erickson stated that he then heard several gunshots coming from the residence. Officer Erickson stated that Officer Daniel Salinaz arrived on scene during this time, parking his patrol vehicle on Buffalo St south of his patrol vehicle. Officer Erickson stated that he instructed Officer Salinaz to come over to his location (s/e side of 812 Buffalo St) with his patrol rifle and take his spot. Officer Erickson stated that he was positioned behind Officer Salinaz when he could hear more gunshots coming from the residence.

Officer Erickson stated that Officer Salinaz then advised there was a male (witness) coming out of the west side of the residence wearing all black. Officer Erickson stated that Officer Salinaz then said he was "right here" (referring to the male coming closer to their location). Officer Erickson stated that he then heard another gunshot coming from the direction of the residence. Officer Erickson stated that Officer Salinaz started issuing the male (witness) loud verbal commands. Officer Erickson stated he transferred his position to the north/west side of 812 Buffalo St to try to get a better view of the person. Officer Erickson stated he was able to see a

white male lying on the ground in the prone position close to the south side of his patrol vehicle. Officer Erickson stated that he gave several loud commands for the person to not move. Officer Erickson stated he then requested another unit to come to his location. Officer Erickson stated Officer Seth Osentoski came to his location and he requested that Officer Osentoski take his spot since Officer Osentoski had his department issued rifle with him.

Officer Erickson stated that he then returned to Officer Salinaz's location and advised him that they could call the male to the back of the house (812 Buffalo) and secure him there. Officer Erickson stated Officer Salinaz then started advising the male that they were going to call him to the back of the house. Officer Erickson stated that he returned to Officer Osentoski's location when several more gunshots continued from the residence. Officer Erickson stated that Officer Osentoski started to call the male back to the rear of 812 Buffalo St. Officer Erickson stated he waited behind the house to secure the male when he heard Officer Osentoski say "he's running" referring to the accused who was shooting. Officer Erickson stated that he quickly got over the radio and advised that the shooter was running. Officer Erickson stated that he could not see the accused. Officer Erickson stated that he heard several more gunshots coming from the immediate area followed by radio traffic saying a subject was down. Officer Erickson stated that Officer Salinaz advised the accused was over by his patrol vehicle. Officer Erickson stated that he stayed behind the house and ensured all officers were ok. Officer Erickson stated that he took Officer Salinaz's patrol rifle and advised him to sit down for a minute.

Officer Erickson stated that he positioned himself behind a tree located near the north/west side of 812 Buffalo St. Officer Erickson stated that he partially observed the accused lying on the ground north of his patrol vehicle but could not get a good view on him. Officer Erickson stated that he returned to the back of the house where he returned Officer Salinaz's rifle to him so he could assist with handcuffing the male subject who was lying prone near his patrol vehicle from earlier. Officer Erickson stated that Officer Osentoski resumed giving the male commands to walk back to the rear of the house. Officer Erickson stated that the male complied and walked back to the rear of the house and Officer Tony Cena placed him in handcuffs. Officer Erickson stated that the male advised he did not have any weapons on him and said he jumped out of the second story window. Officer Erickson stated that after securing the male in handcuffs, he sat down and Officer Cena started speaking with him. Officer Erickson stated that he then helped Officer

Cena walk the male back to Buffalo St./William St. where the Lansing Fire Department was staged so he could get a medical evaluation.

Officer Erickson stated that Officer Salinaz walked over to our location and asked if one of us could take his rifle. Officer Erickson stated that he took possession of his rifle again and cleared the bullet out of the chamber in a safe location. Officer Erickson stated that he then placed the bullet back into the magazine, placed the magazine back into the rifle, and closed the dust cover. Officer Erickson stated that he placed the rifle in the back of Officer Osentoski's patrol vehicle and secured it. Officer Erickson stated that he also made sure Officer Osentoski was aware the rifle was in there. Officer Erickson stated that Officer Salinaz and he then made contact with Sgt. Julie Thomas who gave them a ride back to the LPD Operations Center.

Officer Ilya Barabanov

Officer Barabanov stated that on October 04, 2022, at approximately 05:15 A.M., he was dispatched to 2023 W. Malcom X St. for a search warrant referenced to stolen property. Officer Barabanov stated that upon arriving at the dispatched address, Officer Bakri and Officer Pulver made several announcements towards the targeted address that we had a search warrant and needed everyone to step outside of the residence. Officer Barabanov stated that after the announcements were done and no one came outside the residence, he approached the front door of the residence with other officers on scene. Officer Barabanov stated that Sergeant Kellom then started knocking on the door and an unknown female, later identified as [REDACTED], answered. Officer Barabanov stated that once [REDACTED] came outside, he and Officer Chaffee brought her down the stairs, and Officer Chaffee applied handcuffs. Officer Barabanov stated that he and Officer Chaffee then walked [REDACTED] to the back of the patrol vehicle #40, that was parked in front of the dispatched address.

Officer Barabanov stated that he stood next to the patrol vehicle #40, while Officer Bakri was asking [REDACTED] questions. Officer Barabanov stated that during this time a loud bang, that was later learned as a gunshot, came from the inside of the residence. Officer Barabanov stated that he then closed the back door of the patrol vehicle #40 in which [REDACTED] was sitting in and took cover from behind the patrol vehicle #40. Officer Barabanov stated that while taking cover from behind the vehicle, several more shots came from inside the residence, and a male voice yelling out of the residence for us to kill them. Officer Barabanov stated that when he

attempted to find where the shots were coming from, he saw a muzzle flash coming from the top right window on the north side of the building and relayed it to Officer Bakri that was positioned next to him. Officer Barabanov stated that a few moments later the shots stopped and picked up again outside of the dispatched address. Officer Barabanov stated that he stayed in the same spot and held cover over the dispatched address for more unknown threats. Officer Barabanov stated that a few moments later he moved from the front of the dispatched address to the northwest side of the dispatched address and took cover from behind the patrol vehicle and held point on the residence until he was relieved.

Officer Barbara Houghteling

Officer Houghteling stated that on October 04, 2022, she was at 2023 W. Malcolm X executing a search warrant for 2251909026. Officer Houghteling stated that at around 05:17 A.M., she started to make PA announcements towards the house. Officer Houghteling stated that she parked her fully marked patrol vehicle in the driveway to 2023 W. Malcom X and pointed her PA system directly towards the house. Officer Houghteling stated that she was parked in front of the house with her emergency lights activated for several hours while waiting for the search warrant.

Officer Houghteling stated that over the course of about two minutes she made three announcements advising the residents of 2023 W. Malcolm X that they were Lansing Police officers and that they needed them to step outside with their hands up. Officer Houghteling stated that it was later found out that one resident was named "██████████". Officer Houghteling stated that she made another announcement telling ██████████ to answer her phone after she hung up on another officer. Officer Houghteling stated that she then made another announcement again telling the residents of 2023 W. Malcolm X they were the Lansing Police Department and to come outside with their hands up. Officer Houghteling stated that multiple times during her attempts she activated her emergency sirens and horns so she could capture the attention from the residents inside. Officer Houghteling stated that overall, she made five announcements to the residents inside.

Officer Houghteling stated that after no one listened to their commands they decided to approach the house and knock on the front door. Officer Houghteling

stated that other officers made contact with the residents through the front door as she watched a window from the bottom of the front porch. Officer Houghteling stated that after a female was secured from the front door, she went up to the front door with the other officers. Officer Houghteling stated that she could hear a male inside yell that he wanted to kill himself and didn't want to come out of the house. Officer Houghteling stated that she moved back to the bottom of the steps so a negotiator officer could have room to come up. Officer Houghteling stated that she then walked to the east side of the house so she could look at the stairs window. Officer Houghteling stated that through the window she could see a black male, with a receding hairline standing at the top of the staircase. Officer Houghteling stated that the male's hands were down at his side. Officer Houghteling stated that she saw the male for a brief couple of seconds before he ducked down. Officer Houghteling stated that she relayed this information to the other officers talking to the male. Officer Houghteling stated that they made the decision to move back and seek positions of cover while they re-evaluated the situation.

Officer Houghteling stated that after a few moments she heard a gunshot go off from inside the house. Officer Houghteling stated that she was unable to see where this shot came from or where the bullet went. Officer Houghteling stated that she took a position of cover behind the tan van in the driveway of 2019 W. Malcolm X. Officer Houghteling stated that she radioed to dispatch that there were shots fired, and officers were ok. Officer Houghteling stated that she then went to my patrol vehicle and got my rifle out, put a round in the chamber and returned to the tan van. Officer Houghteling stated that she stood on the east side of the van and could see the east side of the house. Officer Houghteling stated that at one point she noticed a male subject stick his head out of the second story S/E window and quickly go back in. Officer Houghteling stated that shortly after she heard three more gunshots come from inside. Officer Houghteling stated that about a minute after she heard another shot come from inside and heard the male subject say "KILL ME NOW!". Officer Houghteling stated that during this she was still behind the tan van. Officer Houghteling stated that about a minute after that she heard four more gun shots come from inside and the male again yelled "KILL ME NOW!". Officer Houghteling stated that, that was later followed by five more shots, again coming from inside. Officer Houghteling stated that she was never able to see the subject shooting. Officer Houghteling stated that she then heard officers say over the radio "Shooters running". Officer Houghteling stated that she heard one shot followed by

another shot with officers saying the subject was down. Officer Houghteling stated that overall she heard 16 shots fired.

Officer Houghteling stated that she ran to the corner of Buffalo and Malcolm X and saw the accused laying down next to a patrol vehicle. Officer Houghteling stated that about 4-5 feet from the accused was a small unknown object. Officer Houghteling stated that she saw the accused still reaching around. Officer Houghteling stated that at this point she realized there needed to be an officer covering the east side of the house so she moved behind car 43 and watched the east side of the house. Officer Houghteling stated that she stayed in this position until LPD START relieved her. Officer Houghteling stated that at that point she moved to the command center and was shortly after sent to Ops.

Officer Maxwell McCory

Officer McCory stated that on October 04, 2022, at 05:30 a.m. dispatch toned out officers were being shot at from 2023 W. Malcolm X St. Officer McCory stated that he ran code from the south end of Lansing and approach from Buffalo St., from the south. Officer McCory stated that when he arrived on scene, he chambered a round to make his rifle ready. Officer McCory stated that he took perimeter point on Buffalo St., behind an electric pole south of 2023 W. Malcolm X St. Officer McCory stated that Officer Zuber was already near this position when he arrived on scene.

Officer McCory stated that two subjects were already out of the house and were being given commands by other officers. One subject was a male in a dark sweatshirt and dark pants and was laying behind another officer's patrol vehicle across the street from him. Officer McCory stated that the other subject had a gray sweatshirt on and was laying in the driveway of the house just south of 2023 W. Malcolm X St.

Officer McCory stated that as other officers were giving commands, he could hear multiple gunshots come from inside 2023 W. Malcolm X St. Other officers and Officer McCory were preparing to call the subject in the gray sweatshirt back to them when an officer over the radio said the shooter was running away from the residence. A few moments later a male in all dark clothing came running out of the alley that was behind 2023 W. Malcolm X St. The subject turned toward Officer Zuber and Officer McCory. As the subject was turning toward them, he proceeded to

take a shooting stance. Officer McCory stated that he was fearful for his safety because this was the suspected shooter from inside the residence and he only had a metal pole as cover. Officer McCory stated that he was concerned the suspect was going to shoot him, and his concerns were confirmed when he observed a muzzle flash coming from the suspect's firearm.

Officer McCory stated that when the suspect started shooting in his direction, he was concerned he was going to be shot. Officer McCory stated that he got behind the electric pole, hoping it would provide him some protection. As soon as he realized there were no more shots, he looked behind cover to reassess the threat. Officer McCory stated that as he was coming up on target the subject was running west toward Buffalo St. which was to his left and this is when he heard a gunshot come from his immediate right, a few moments after the subject fell in front of a patrol vehicle on Buffalo St. Officer McCory stated that he observed the firearm fall from the suspect's hands onto the street. At this time, Officer McCory stated that he gave loud repeated verbal commands of show me your hands.

Officer McCory stated that while he was giving commands, he could still observe the subject reaching for something, he was unable to observe what the suspect was reaching for. Officer McCory stated that once the contact team secured the subject and recovered the firearm, other officers and Officer McCory called the subject in the gray sweatshirt back to them and he was secured. Officer McCory stated that when the medics arrived on scene, he provided cover for them as they walked past the target house to get the subject that was shot.

Officer McCory stated that he then took up a perimeter point on the north/west corner of W. Malcolm X St. and Buffalo St. waiting for START. After a few minutes, another officer became ill and I transported him off scene.

Officer Bryant Wilson

Officer Wilson stated that on October 4, 2022, at approximately 05:30 a.m., officers were dispatched to 2023 W. Malcom X St., in reference to a shot's fired. Officer Wilson stated that officers advised shots were fired from inside the residence. Officer Wilson stated that while in route shots could be heard over the radio as officers provided updates. Officer Wilson stated that it was advised the subject was shooting at the officers from different windows inside the residence. Officer Wilson

stated that as he came into the area near Buffalo St. and William St., he heard officers advised that the shooter was running. Officer Wilson stated that he saw the subject running w/b from the address, he heard a single shot, then two additional shots. Officer Wilson stated that the subject fell in front of a patrol vehicle that parked just to the south of Malcolm X and Buffalo St. Officer Wilson stated that at this time, it was called out that the subject was down.

Officer Wilson stated that he parked his patrol vehicle at William St. and Buffalo St. and grabbed his patrol rifle. Officer Wilson stated that he began looking for the other officers on scene. Officer Wilson stated that he informed other officers that he was on William St. and Buffalo St. Officer Wilson stated that officers then stated that the subject was down in the middle of Buffalo St. and Malcom X. Officer Wilson stated that he located two officers who were to the north of him on Buffalo St., near the sidewalk on the east side of the street. Officer Wilson stated that he proceeded to their position and let them know he was coming up behind them. Officer Wilson stated that he got behind cover of the two patrol vehicles that were parked on Buffalo St. Officer Wilson stated that he contacted Officer Zuber and McCrory. Officer Wilson stated that Officer Zuber advised that there was a subject that was laying prone in the yard a few houses to the north of them. Officer Wilson stated that he located the subject and joined Officers Zuber and McCrory who were near the sidewalk behind a telephone pole. Officer Wilson stated that Officer Zuber advised he was going to call the subject back and he would assist in getting him secured. Officer Wilson stated that he advised dispatch that they were calling the subject to them. Officer Wilson stated that Officer Zuber began calling the subject back to them and when the subject got close, he took over giving him commands. Officer Wilson stated that he called the subject back closer to them, told him to put his hands behind his back and he secured the subject in handcuffs. Officer Wilson stated that once the subject was secure, he advised dispatch.

Officer Wilson stated that he searched the accused for weapons and did not locate any. Officer Wilson stated that he initially got him behind cover of the patrol vehicle. Officer Wilson stated that he asked officers who the patrol vehicle belonged to that they were behind. Officer Wilson stated that Officer Osentoski said it was his and he placed the subject inside. Officer Wilson stated that he gathered information from the subject in reference to other people being inside the residence. Officer Wilson stated that the subject stated that there were a total of five people who all were out and no one else should be inside. Officer Wilson stated that he attempted

to get the subject's name on scene, but the subject refused to provide it. Officer Wilson stated that he assisted with perimeter on the residence where the incident had taken place. Officer Wilson stated that he was relieved by Officer Kurtz who was a member of the START team.

Officer Seth Osentoski

Officer Osentoski stated that on October 4, 2022, at approximately 5:30 a.m., dispatch toned priority to W. Malcolm X and Buffalo St. for shots fired. Officer Osentoski stated that the location was at an address, 2023 W. Malcolm X, Lansing, MI 48915, where officers were conducting a search warrant. Officer Osentoski stated that when he arrived on scene, he heard multiple gunshots inside the target address. Officer Osentoski stated that shortly after his arrival, an officer involved shooting occurred. Officer Osentoski stated that when he arrived on scene, he parked his patrol vehicle on Buffalo St. south of the target address, 2023 W. Malcolm X, Lansing, MI 48915. Officer Osentoski stated that he grabbed his patrol rifle and he exited the vehicle. Officer Osentoski stated that he ran westbound towards a truck parked in a driveway on the west side of Buffalo St., while getting his patrol rifle loaded. Officer Osentoski stated that he initially got into the back of the truck, but realized his head was exposed and he got back down off the truck. Officer Osentoski stated that he heard multiple gunshots from inside the target address and turned the safety off his patrol rifle. Officer Osentoski stated that he proceeded to observe two male subjects wearing dark clothing jump out of the second story window on the west side of the target address and started to run westbound towards Buffalo St. Officer Osentoski stated that the males were told to get on their stomachs with their hands out.

Officer Osentoski stated that he ran one house north with a back porch where Officer Erickson was standing. Officer Osentoski stated that he took his position and was leaning over the back porch of the house looking eastbound towards the target address. Officer Osentoski stated that he had a clear view of the target address and the male laying behind a patrol vehicle in the middle of Buffalo St. Officer Osentoski stated that he attempted announcements to get the male over to his location to get him detained. Officer Osentoski stated that he pointed his patrol rifle at the male laying in the ground and put his safety back on. Officer Osentoski stated that he told the male to get up and walked over to his location. Officer Osentoski stated that the male asked if he could run and Officer Osentoski stated

that he told the male no. Officer Osentoski stated that he continued to hear multiple gunshots inside the residence. Officer Osentoski stated that he then observed another male wearing dark clothing exit the residence and run southeast. Officer Osentoski stated that he continued his focus on the male laying on the ground. Officer Osentoski stated that the male attempted to get up and walk over to his location with his hands up. Officer Osentoski stated that the male was limping and could not walk.

Officer Osentoski stated the gunshots inside the residence continued again and the male fell to the ground. Officer Osentoski stated he proceeded to observe a black male wearing a white shirt exit a door on the west side of the target address. Officer Osentoski stated he heard a gunshot and a muzzle flash where the black male was standing. Officer Osentoski stated he believed the black male was the accused due to the muzzle flash he observed near him. Officer Osentoski stated the black male started running southbound. Officer Osentoski stated he yelled to other officers that he observed the accused running. Officer Osentoski stated the black male jumped over the fence in the backyard and then turned westbound towards Buffalo St. Officer Osentoski stated the black male was holding his waist band while he was running. Officer Osentoski stated based on his experience, he believed the black male was armed because the black male was holding his waist while he was running. Officer Osentoski stated he yelled at the black male to show him his hands while pointing his patrol rifle at the black male. Officer Osentoski stated he continued to yell at the black male while the black male was running in his direction. Officer Osentoski stated the black male stopped in a driveway one house south of the target address and he observed the black male reach into his waistband. Officer Osentoski stated that he observed the black male start to bring his hands back up holding a black handgun in his hands. Officer Osentoski stated he was in fear of the black male attempting to shoot at other officers or himself. Officer Osentoski stated he proceeded to pull the trigger on his patrol rifle, however, the safety was still on and he heard the click of the safety being activated. Officer Osentoski stated as fast as he could, he turned off his safety while maintaining visual of the black male.

Officer Osentoski stated while turning off his safety, he observed the black male lift up the handgun pointing the muzzle to the south, shooting the handgun approximately one time, and the black male started to run northbound on Buffalo St. towards the patrol parked in the middle of the street where the original male

was laying on the ground. Officer Osentoski stated he heard approximately two more gunshots from the south while the black male was running. Officer Osentoski stated he believed the black male was running towards the patrol vehicle in an attempt to steal it and attempt to flee the scene. Officer Osentoski stated he was about to discharge his patrol rifle, but he observed the original male on the ground in his line of sight. Officer Osentoski stated he lost sight of the black male, behind the patrol vehicle. Officer Osentoski stated that he observed a handgun laying in the ground on the north side of the patrol vehicle where he believed the black male was located. Officer Osentoski stated he heard an officer advise dispatch the subject was down. Officer Osentoski stated that he maintained his position until the contact team made their approach to take the black male into custody. Officer Osentoski stated he went around his location to make sure all of the other officers were okay. Officer Osentoski stated he had to move Officer Salinaz's patrol vehicle for the ambulance to get through. Officer Osentoski stated that he retreated back towards his patrol vehicle, until he was told by command to start transporting the witnesses down to LPD's operation center. Officer Osentoski stated that one of the males, later identified as Jeffrey (unknown last name), was in the back seat of his patrol vehicle. Officer Osentoski stated he transported a white juvenile male, Jeffery (unknown last name) to LPD's Operation Center for follow-up.

Officer Osentoski stated that Officer Salinaz's patrol rifle was put in car ready carry and placed in the trunk of his patrol vehicle. Officer Osentoski stated he transported the patrol rifle to LPD's Operation Center. Sgt. Dykens took custody of the patrol rifle.

Officer Melinda Hutchings

Officer Hutchings stated that at approximately 05:32 a.m., she was on a different call for service at CMH (812 E Jolly). Officer Hutchings stated that while at CMH, she heard an officer state over the radio that there were shots being fired from inside of the residence where they were at (2023 W. Malcolm X). Officer Hutchings stated that shortly later, an officer keyed up and she audibly heard gunshots in the background of the radio traffic. Officer Hutchings stated that she then left CMH and was enroute to Buffalo/W. Malcolm X.

Officer Hutchings stated that shortly before arriving on scene at Buffalo/W. Malcolm X, officers on scene advised that there were shots fired and a subject was

down. Officer Hutchings stated that the officers advised that the subject was not yet secured. Officer Hutchings stated that officers on scene also advised over the radio that the subject had a firearm. Officer Hutchings stated that she arrived on scene and parked her patrol car (Vehicle 5) near Buffalo/William. Officer Hutchings stated that not knowing where officers and the subject were and where any crossfire would be she used a fence and other patrol cars as cover and attempted to see where officers/subjects were and where she would be needed. Officer Hutchings stated that she observed a subject in grey laying in the street on Buffalo. Officer Hutchings stated that she could not see any other officers at this time, and not knowing if the subject in grey was the accused and if she was in the direct line of crossfire, she backed away and took cover near her vehicle. Officer Hutchings stated that around this time, the officers on scene were advising that they would be moving to secure the subject. Officer Hutchings stated that once the subject was secured, she observed officers behind patrol car 26 on Buffalo. Officer Hutchings stated that she approached these officers (Officers Wilson and Osentoski), who had a subject detained at the rear of the vehicle and assisted them.

Officer Hutchings stated that shortly later, she observed Officer Cena and another officer assisting a limping, secured male southbound on Buffalo. Officer Hutchings stated that the male was eventually sat on the curb. Officer Hutchings stated that she maintained her position behind car 26 at that point. Officer Hutchings stated that later LFD arrived for the limping male, who was said to have jumped out of a second story window. Officer Hutchings stated that she assisted Officer Cena with moving the male to where he was more accessible to LFD and then onto the stretcher. Officer Hutchings stated that after the male was on the stretcher, she made contact with Det. Kasha Osborn via TX and informed her of the situation and what she knew at the time due to the need for START Negotiators. Officer Hutchings stated that she then returned to her position behind car 26 until Officer Osentoski transported the subject detained in the backseat to LPD Ops.

Officer Hutchings stated that once Officer Osentoski moved his vehicle, Officer Wilson and she eventually moved behind patrol car 15, which was at the southwest corner of 2023 W Malcolm X. Officer Hutchings stated that at this time, Officer Wilson and she assumed perimeter points behind the vehicle. Officer Hutchings stated that she briefly left her position to move her vehicle, which was blocking Buffalo at William so people, who were further south on Buffalo could leave to go to school (they did not obstruct the scene). Officer Hutchings stated that she

positioned her vehicle back in place, returned to her perimeter point and maintained that position until relieved by START officers. Officer Hutchings stated that once she was relieved by START officers, she obtained her belongings from her vehicle and met with command at the designated command post. Officer Hutchings stated that while at the command post, she was approached and asked to be the Coach/secondary for Officer Lawrence while he worked the LRAD and Negotiations. Officer Hutchings stated that she assisted Officer Lawrence with this at Malcolm X/Buffalo for several hours until relieved on scene by Officer Reust.

Officer Troy Mangrum

Officer Mangrum stated that on October 04, 2022, at approximately 05:44a.m., he was dispatched to 2023 W. Malcolm X St. for shots fired. Officer Mangrum stated that upon arrival on scene, he observed a subject laying face up in the middle of Buffalo St. with a gun to his right. Officer Mangrum stated that a contact team was formed and he was third in the stack and made contact with the subject. Officer Mangrum stated that he assisted in getting his right arm secured. Officer Mangrum stated that they then turned the subject to his stomach to secure his hands. Officer Mangrum stated that once the subject's hands were secured, Officer Mangrum stated that he secured the subject's firearm by ejecting the magazine and by pulling the slide back and locking it into the rear position. Officer Mangrum stated that when he did this a round that was chambered was ejected and he secured it in the rear of his patrol vehicle. Officer Mangrum stated that he then returned to the subject who was having lifesaving procedures (CPR) being performed on him. Officer Mangrum stated that he took over for Officer Kandel and began doing compressions (CPR) on the subject and continued to do so until LFD arrived on scene and then transported the subject to Sparrow hospital. Officer Mangrum stated that he transported two female subjects in the rear of his patrol vehicle (later identified as [REDACTED] and [REDACTED]) to LPD OPS to be interviewed. Officer Mangrum stated that when he arrived at OPS he parked his patrol vehicle in front of LPD OPS and locked his patrol vehicle. Officer Mangrum stated that upon request by MSP detectives, he unlocked his patrol vehicle and turned the subject's weapon over to them.

The Lansing Police Department Use of Force Policy

The Lansing Police Department Use of Force Policy in pertinent part reads as follows:

Use of Lethal/Deadly Force- Authorization

- Officers are authorized to use deadly force consistent with MCL 780.972.
- Use of deadly force is authorized when the officer honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual. See MCL 780.972; and/or
- To prevent the escape of a subject who is fleeing from an inherently violent felony crime, and the officer has probable cause to believe that the subject poses an immediate threat of death or serious physical injury to others or the officer. *Tennessee v Garner* 471 U.S. 1 (1985).
 - Chokeholds/Strangleholds are prohibited unless deadly force is justified as defined above and the officer honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.
- Warning shots are prohibited because of lack of shot location identification, unintended contact and potential injury or loss of life.

Law

The legal issue in this case is whether Lansing Police Department Officers Salinaz and Zuber acted in a legal manner during their interaction with Terrence Robinson when they used deadly force by discharging their respective firearms.

Police officers have the lawful authority to use force to protect the public welfare, but a careful balance of all human interests is required. An officer's decision about the level of force necessary to control an individual will be based on the officer's perception of the threat and the subject's apparent ability to carry out that threat. However, a police officer must be equipped with the confidence and ability to act quickly in an emergency, Accordingly, the law does not severely regulate a policeman's right to draw his weapon.

The standards for use of deadly force by police come from U.S. Supreme Court decisions: *Tennessee vs Garner* 471 U S 1 (1985) and *Graham vs Connor* 490 U S 386 (1989). What has evolved from the Supreme Court cases are “use of force continuums” at police departments to guide police on the job on the various uses of force. In *Graham*, in considering whether police used excessive force, the Court ruled that whether the Mr. Robinson posed an immediate threat to the officer or others should be considered, and from the perspective of a “reasonable” officer on the scene in that police often have to make split-second decisions.

Michigan law gives a police officer the right to use force or even take a life in the performance of their job. They may use that degree of force that is reasonable under the circumstances to effectuate an arrest and protect while making that arrest. If a person uses force within our state's definition of self-defense, their actions are justified under the law, and they are not guilty of a crime.²

Law enforcement officers have the same privilege of self-defense as anyone else. Shooting a gun in self-defense requires an honest and reasonable belief that he is in danger of being killed or seriously injured. If that person's belief were honest and reasonable, he can act immediately to defend himself, even if it turned out later that he was wrong about the level of danger.³ The use of deadly force in self-defense is justified where the actor (1) is not the aggressor, (2) acts under an honest and reasonable belief that he is in danger of death or great bodily harm, (3) retreats from the scene if possible, and (4) the only recourse lay in repelling the attack by the use of deadly force.⁴

The Michigan Supreme Court has clarified that "a person is never required to retreat from a sudden, fierce and violent attack; nor is he required to retreat from an attacker who he reasonably believes is about to use a deadly weapon."⁵ A police officer, because of his duty and responsibility to protect the public, is not required to retreat in the face of a display of force.⁶ *Heflin*, *Riddle* and *Doss* notwithstanding, the Self-Defense Act of 2006 abrogated the duty to retreat under most circumstances. MCL 780.972 states:

² Michigan Criminal Jury Instructions 2nd 7.15 (1)

³ Michigan Criminal Jury Instruction 2nd 7. 15 (3). *People v Riddle*, 467 Mich 116, 119 (2002)

⁴ *People v Heflin*, 434 Mich 482, 502- 503, 509(1990)

⁵ *Riddle*, supra, at 119.

⁶ *People v Doss*, 406 Mich 90, 102 (1979)

an individual who is not engaged in the commission of a crime at the time he uses deadly force may use deadly force against another individual anywhere he has the legal right to be with no duty to retreat if...the individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or another individual..."

Even under the Self-Defense Act, however, self-defense is not justified simply on a belief that deadly force is needed to repel an attack. Rather, the actor's belief must be both honest and reasonable.⁷ The belief does not, however, have to be correct. A person does not have to prove their claim of self-defense. Instead, when a person is charged with an assaultive crime and a self-defense claim is raised in the proceedings, the prosecuting attorney has the burden to disprove self-defense by proving beyond a reasonable doubt that the person did not act in lawful self-defense.⁸

Analysis

Based on a review of the reports, body and dash camera footage and the law, the use of deadly force by Lansing Police Department Officers Salinaz and Zuber were justified. All had a reasonable belief that the use of deadly force was necessary to prevent imminent death or great bodily harm. A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony.

Both officers that ultimately fired their weapon did so after Terrence Robinson had already fired 16 gunshots at police officers. Officer Kandel tried to de-escalate the situation. Officer Kandel had an ongoing dialogue with Mr. Robinson pleading with him and explaining to Mr. Robinson multiple times that nobody was there to hurt Mr. Robinson and/or had any intentions of hurting Mr. Robinson. Throughout that dialogue Mr. Robinson threatened multiple times that he was going to kill himself and made it known that the police would have to kill him before he was taken back

⁷ *Helflin*, supra

⁸ CJ12d 7. 20.

to prison. It should also be noted that during this exchange, Mr. Robinson fired all 16 gunshots towards the police officer.

As soon as Robinson exited the house he began running with a gun in his hand. A slow replay of Officer Zuber's body-cam video shows what appears to be a muzzle flash from Robinson towards Officer Zuber and then Officer Zuber firing his weapon once in response hitting Robinson. Robinson posed a danger to all police officers at the scene as well as to the public from the moment, he began shooting his gun. The officers had no choice but to fire to eliminate the threat.

Media Relationship

This case had media attention when it first happened.

Conclusion

Based on a review of the facts and the law, it is clear that Officers Salinaz and Zuber were all of a reasonable belief that Robinson presented an extreme danger. They acted in accordance with the law and with their department's "Use of Force" policy. All officers had to make a "real time" split second decision under conditions of threat and arousal during an extremely violent and dangerous street encounter. All officers rightly acted under an honest and reasonable belief that they and others were in danger of death or great bodily harm at the time they fired the shots which resulted in Robinson being shot twice. They took the measures necessary to eliminate an immediate and extreme threat.

I recommend that we close out the file with no charges issued against the officers.