

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



DANA NESSEL
ATTORNEY GENERAL

MEMORANDUM

Warrant Denial Memorandum

6/18/2025

TO: Danielle Hagaman-Clark
Bureau Chief
Criminal Justice Bureau

APPROVED: Danielle Hagaman-Clark 7/11/2025
Bureau Chief Date

Robyn Liddell
Division Chief
Criminal Trials Division

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

Robyn Liddell

7-8-25

CC: Oronde Patterson
First Assistant

APPROVED: _____
Division Chief Date

FROM: Michael Doby
Assistant Attorney General
Criminal Trials Division

RE: Request for Authority to Deny Criminal Charges
Due Date for Response: [Date]
Trooper Involved Shooting of Mark Ryan
AG No. 2025-0425163-A

I. Introduction:

Michigan State Police Troopers and St. Clair County Sheriff's deputies responded to a 911 call about an intoxicated and suicidal man. Mark Ryan argued with deputies and pointed a gun, later revealed to be a BB gun, at them. He ignored repeated orders to put the gun down and approached Trooper Cole Wallace. Trooper Wallace shot and killed Mr. Ryan after Mr. Ryan had approached within 15 feet of him while still holding the gun and yelling threats.

II. Recommendation:

No charges should be issued against Trooper Wallace for the shooting of Mark Ryan. A prosecution would not be able to overcome the provisions of the Self Defense Act in charging nor the burden of proof at trial.

III. Venue

Port Huron Township, St. Clair County, Michigan

IV. Facts

On February 12, 2025 Michigan State Police Troopers and St. Clair County Sheriff's Office Deputies responded to a 911 call at [REDACTED], Port Huron, MI 48060. There they encountered Mark Ryan, who was drunk and suicidal. Mr. Ryan had what turned out to be a BB gun that was a replica of a real pistol. See *Exhibit 1*. He pointed the gun at officers and threatened them. He ignored orders to stay still, refused to put down the gun, and approached Tpr. Cole Wallace yelling and threatening him. Tpr. Wallace fired three shots at Mr. Ryan, killing him. An investigation by the Michigan State Police Second District Special Investigation Section by D/Lt. Edward Price and D/Sgt. Brittany Ellsworth followed.

The 911 caller, [REDACTED], told dispatchers that [REDACTED] Mark Ryan was drunk; fell and broke things; that he was going to kill himself; and that he wants someone to shoot him. St. Clair County Deputy Kaufman was the first police officer to approach the house. Deputy Kaufman provided a report and his bodycam was reviewed for accuracy and to provide additional details. No inconsistencies were found. After Deputy Kaufman knocked on the door, he could hear people yelling inside. [REDACTED] [REDACTED], came to the door. She told Deputy Kaufman that Mr. Ryan was in that bedroom with a BB gun and that he wanted the police to shoot him. Deputy Kaufman had [REDACTED] and [REDACTED] come out of the house. Deputy Kaufman commented to the other deputy present that he didn't trust that it was a BB gun. He radioed for additional police units and told dispatch that the Mr. Ryan had what was alleged to be a BB gun.

Deputy Kaufman began escorting [REDACTED] and [REDACTED] to his police car when Mr. Ryan came out of the house. Deputy Kaufman saw a handgun in his right hand. Mr. Ryan did not respond to commands to drop the gun and instead went back inside the house. [REDACTED] told Deputy Kaufman that it was not a real gun. Deputy Kaufman told her that the police did not want to hurt him but they could not confirm that it was a fake gun just by her saying so. Deputy Kaufmann put [REDACTED] [REDACTED] and [REDACTED] in his patrol car for safety reasons and because of the cold temperature. He retrieved his rifle and began instructing other officers that had arrived in setting up a perimeter. During that time Mr. Ryan briefly emerged from the house and retreated inside again.

Trooper Cole Wallace positioned himself behind a compact Chevrolet sedan parked in the driveway of the mobile home. From there he would have a clear side-on view of the porch and front door of the trailer. Mr. Ryan came out of the house and stood on the porch with the pistol in his hand. Trooper Wallace told him to put

the gun down. Deputy Kaufman yelled “we don’t want to shoot you.” Mr. Ryan responded, “how about I want you too?” Deputy Kaufman continued to order Mr. Ryan to put the gun down and attempted to sympathize and de-escalate him, asking “what’s got you worked up today, man?” Mr. Ryan began walking down the steps of the porch, towards the officers. He reached the bottom of the steps and took a few more steps towards the officers before stopping. Trooper Wallace had ordered him eight times to stop walking. Mr. Ryan continued to yell at the officers saying: “you think I’m playing?” and “I will fucking shoot all of you bitches” repeatedly. Deputy Kaufman continued to try to de-escalate Mr. Ryan, saying that he knew he was having a really bad day. Mr. Ryan then started walking directly towards Trooper Wallace.

Trooper Tyler Friedle had taken position, as instructed by Deputy Kaufman, behind the neighboring mobile home to the east of [REDACTED]. This position gave him a view of Mr. Ryan however it did not provide very much cover if Mr. Ryan’s gun was turned toward him and, crucially, put him in a crossfire position with Tpr. Wallace. Other deputies had arrived and taken up positions as instructed, but it was Kaufman, Wallace, and Friedle who were closest and had the best view of Mr. Ryan. See *Exhibit 2* for scale scene diagram with added labels for the position of the relevant officers and Mr. Ryan when Deputy Kaufman was trying to talk to him. See *Exhibit 3* for a screenshot from Tpr. Friedle’s bodycam at the same time.

Tpr. Friedle provided a signed statement. He detailed his actions and observations leading up to the shooting. His bodycam was reviewed to verify the accuracy of his statement, and no inconsistencies were found.

Deputy Kaufman was the officer in charge of the scene, so he advised me to stage near the back of the house, near the southeast corner of the house. I unholstered my department issued pistol, walked through a yard two houses away from the suspect’s house, and positioned myself behind the back corner of the house just east of the suspect’s residence. I had a clear view of the suspect’s front door, which was located on the east side at the mid section of his house. I was located approximately 20 feet away from the suspect’s front door in a very dark area with no lights. As soon as I got in position, the suspect opened his door and stepped outside with a black, semi-automatic style pistol in his right hand. The pistol looked like it was made of steel, because it had a distinct metallic glow to it when it reflected light from a nearby street light. I did not see an orange tip on the gun. The suspect began to yell at Trooper Wallace and the deputies at the front of his house, and appeared to not know of my position. At this point I have my pistol pointed slightly downward in a low-ready position, while the other officers were giving loud verbal commands to the suspect to drop the gun. The suspect ignored the officers’ verbal commands and began walking toward Trooper Wallace and the

deputies, waving his pistol around. At one point while the suspect was waving his pistol around, the suspect's pistol was pointed at Trooper Wallace and the deputies, and as he swung the pistol around it pointed at me as well. The suspect continued to walk toward Trooper Wallace and the deputies, continued to ignore their verbal commands to drop the gun, and yelled, "shoot me bitch." The suspect also yelled, "I will fucking shoot all you bitches." The suspect continued to walk closer to the deputies and Trooper Wallace with the gun, so I keyed up on the radio and stated I could tase the suspect from the back. There was no response from the other officers. At this point the suspect was getting close enough to the other officers that it put myself and them in a potential crossfire situation. As I lowered my weapon to reposition myself, I heard three gunshots. I sprinted around the neighbor's house to the other officers, and observed deputies and Trooper Wallace circled around the suspect's body on the ground. The suspect appeared to be shot and unresponsive, and officers were calling for EMS emergency status.

No one responded to Trooper Friedle's statement that he could use a taser from the back. Without acknowledgement of the other officers on the scene Tpr. Friedle would have been walking into the potential crossfire of Trooper Wallace and Deputy Kaufman. Shortly after that, and just as Mr. Ryan got more worked up and began walking towards Tpr. Wallace, Deputy Kaufman yelled "somebody go less lethal." But there was no one in a safe position to do that and Mr. Ryan advanced on Trooper Wallace quickly.

As Mr. Ryan approached him, Trooper Wallace yelled "stop walking, I will shoot you." Mr. Ryan still had the pistol in his right hand and continued to walk towards Trooper Wallace with his arms raised to his sides at shoulder height. Trooper Wallace again yelled "stop walking, I will shoot you." Trooper Wallace had taken a couple steps back and was behind the sedan near the rear driver's side corner. Mr. Ryan continued to walk down the passenger side of the car towards Trooper Wallace. Based on the bodycam videos, the length of the car, and the scale diagram, Mr. Ryan was fewer than 10 feet away from Trooper Wallace when Trooper Wallace fired three shots from his pistol. See *Exhibit 4*. Approximately 1 minute and 51 seconds elapsed between the time that Mr. Ryan was first given an order to put the gun down and Trooper Wallace firing his pistol.

Trooper Wallace provided a signed statement. Regarding the moments just before firing he said the following:

Multiple verbal commands started again in attempt for the male to stop walking towards us and to just stop.

I picked my head back up and was able to get a visual of the male again who was now standing about 15' in front of me, on the other side of the same vehicle I was using for cover. I yelled to the male to stop walking towards me and to put the gun down multiple times as he kept coming closer and made his way around my right-side of the vehicle. At this time the male was within 10' of me waving the gun around, acting erratic, closing the distance.

I knew that this male had already pointed his weapon at me once, why wouldn't he do it again? I could not confirm if the weapon he was holding was a fake gun or a real gun. I knew that I only had seconds to make a decision before my life was at stake. At this distance, it was way too uncomfortable, and I had to rely on my training to de-escalate the threat.

I shouted to the male to stop multiple times before I discharged my weapon, 3 times. The male dropped, and the gun was no longer in his hands. I holstered my weapon.

His bodycam was reviewed to verify the accuracy of his statement. Because he has his pistol out in front of him there is a significant portion of the video that is blocked by his arm. Because the officers are taking cover and often holding their own pistols or rifles out, the clearest image of Mr. Ryan pointing the gun at officers comes from a cell phone video taken by a neighbor. There are issues with the image quality there as well because it seems to have been taken through a window with a screen. See *Exhibit 5*. There is a clicking noise in that video that coincides with Mr. Ryan raising the gun and appearing to pull the trigger. No inconsistencies were found between Trooper Wallace's statement and all video reviewed.

Following the shooting Trooper Wallace and the others present began administering first aid. Mr. Ryan was transported to the local hospital by EMS where he was pronounced dead. The Medical Examiner's report lists the cause of death as multiple gunshot wounds. All three shots that were fired hit Mr. Ryan. He was struck in the right shoulder, right chest, and central chest. The directions of all gunshot wounds were front to back. The ME also diagnosed acute alcohol intoxication; Mr. Ryan had a BAC of 0.215 g/100mL.

Trooper Wallace was transported to the MSP Port Huron Detachment. There he was photographed and a round count of his pistol and spare magazine was conducted and was consistent with three shots being fired.

██████████ was interviewed at the hospital. She relayed some of Mr. Ryan's history including addiction and four prior suicide attempts. That day Mr. Ryan had been drinking since 8:00am, at some point he was at a neighbor's drinking. ██████████ had an argument about money in the afternoon and then he laid down in bed and ██████████ left the home for a few hours. In that time Mr. Ryan had knocked over the TV. There was further argument about calling 911 to get a

mental health order and that she was going to take him to stay at his aunt's house. When the police came to the door Mr. Ryan said "If they come in here, they're going to kill me. I'm going to make sure they kill me." [REDACTED] had confiscated the BB gun from a neighborhood kid and put it on top of a cupboard in the house. She said Mr. Ryan found it and "now it's like a new toy for him because it looks like a real gun." She was distraught that he had been shot because she had told the officers that it was a BB gun.

[REDACTED] was also interviewed. She said that [REDACTED] [REDACTED] he was drinking peppermint schnapps in the passenger seat. She took a nap when she got home and then found the TV broken. [REDACTED] and Mr. Ryan argued with [REDACTED] saying she was going to kick him out when he sobered up. [REDACTED] called 911 because Mr. Ryan said he was going to kill himself. When the police arrived Mr. Ryan was yelling that if they came into the house, he was going to shoot them. [REDACTED] never saw Mr. Ryan with the gun, but she knew there was a BB gun in the house.

This incident occurred during a snowstorm. A K9 unit was called in to help locate the bullet casings that were buried in the snow. A crash reconstructionist made measurements and produced a scale diagram of the scene. A search warrant was executed on the home, but no there was nothing of evidentiary value found inside the home. The gun that Mr. Ryan used was placed on top of the car as officers secured him and administered first aid, it was later seized by SIS detectives.

Materials reviewed: Michigan State Police Report SIS-25-25 with supplements 1-6; Michigan State Police Report CAN 657-25 (canine); Michigan State Police Report 001-69-25 with raw data and scale scene diagram (reconstructionist); signed statement of Trooper Cole Wallace; signed statement of Trooper Tyler Friedle; St. Clair County 911 audio recording and CAD report; photographs of involved trooper, involved trooper's weapon and ammunition (round count); St. Clair County Medical Examiner Autopsy Report; Body worn and In-Car video of MSP Troopers Wallace and Friedle, Body worn video of MSP Trooper Dougherty (K9), 21 unlabeled body worn and in-car videos of St. Clair County Sheriff Deputies; Trooper Wallace's training records; Search warrant and affidavit for [REDACTED]; two cell phone videos taken by a neighbor;

V. Discussion

In 2006 the State of Michigan enacted the Self Defense Act, Act 309 of 2006. M.C.L. 780.972 provides that an individual (which would include a police officer) may use deadly force against another, without any duty to retreat, provided they were not engaged in the commission of a crime and either (a) they "honestly and reasonably believe 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" or (b) they "honestly and reasonably believe that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or of another." Further an

individual may use deadly force if they “honestly and reasonably believe that the use of that force is necessary to defend oneself or another from the imminent unlawful use of force by another individual.” Pursuant to MCL 780.961 (Deadly Force, Act 310 of 2006), if an individual uses deadly force pursuant to MCL 780.972, they have committed no crime in the exertion of that force. A prosecutor may only charge said individual with a crime if the prosecutor can provide evidence “establishing that the individual’s actions were not justified.” MCL 780.961(1)(2). See also, *People v Guajardo*, 300 Mich App 26 (2013) (discussing and upholding Michigan’s Self Defense Act and the use of deadly force).

The Michigan Model Criminal Jury Instructions state in M Crim JI 7.15 (Use of Deadly Force in Self-Defense) that if an individual acted in lawful self-defense, their actions would be justified and thus they would not be guilty of crime. In making this determination one “should consider all the evidence” and should consider the following three rules, judging the individual’s actions according to how the circumstances appeared to that individual at the time they acted. The first rule provides that the individual must “have honestly and reasonably believed that [they were] in danger of being [killed/seriously injured/sexually assaulted].” *Id.* The individual need not be correct in their evaluation of the danger presented, so long as their belief was honest and reasonable. Second, the threat against the individual must have been in fear of death, seriously physical injury or a sexual assault. In making this evaluation, one should consider all the circumstances surrounding the action, and consider how they appeared to the individual at the time they reacted. *Id.* Third, the individual must have believed the threat was immediate and they used the amount of force necessary at the time to protect themselves. *Id.* See also, *People v Goree*, 296 Mich. App. 293 (2012) and *People v Conyer*, 281 Mich. App. 526 (2008).

While an individual may only use the deadly force where it is necessary to do so, they do not have a duty to retreat. M Crim JI 7.16. An individual does not have to retreat from attack if they “reasonably believe that an attacker is about to use a deadly weapon, nor if the [individual] is subject to a sudden, fierce, and violent attack.” *Id.* An individual also does not have to retreat if they were not engaged in the commission of a crime, had a legal right to be where they were and had an honest and reasonable belief that the use of deadly force was necessary to prevent imminent death, great bodily harm or sexual assault. *Id.* See also, *People v Riddle*, 467 Mich. 116 (2002) and *People v Conyer*, 281 Mich. App. 526 (2008).

Further, the U.S. Supreme Court has also ruled regarding the right to use deadly force and in particular in the context of police officers. In *Tennessee v. Gardner*, the U.S. Supreme Court stated “[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.” *Tennessee v. Garner*, 471 US 1, 11-12 (1985).

Trooper Wallace's shooting of Mark Ryan was justified self defense under Michigan law. Trooper Wallace was in a place he was legally allowed to be and was not committing a crime. He, and other officers, repeatedly ordered Mr. Ryan to put down the gun. Though that gun turned out to be a BB gun, it looks like a real a real firearm. Mr. Ryan repeatedly threatened to shoot the officers, pointed the gun at them, and refused to put it down. Trooper Wallace retreated to keep the car between himself and Mr. Ryan, but Mr. Ryan continued to advance on him. His fear of death or great bodily harm was honest and reasonable.

The officers were informed that there was a bb gun in the house and that is likely what Mr. Ryan was using. It would not be reasonable, based on looking at the gun he had, to conclude that it must be a bb gun. The gun is designed to and does look like a real gun. It had no orange tip or other obvious sign that it was not a firearm. It seems that the officers took into account that it may have been a bb gun because they did not fire on him when he pointed it and was at a greater distance away from them. However, when he quickly advanced on Trooper Wallace and ignored the warnings that he would be shot the Trooper would have to rely on his own observations of the gun and it would not be reasonable to say that he had to treat it like it was not a deadly weapon based only on [REDACTED] statement.

The officers made several attempts to talk to and negotiate with Mr. Ryan. Those seemed to only enrage him more and there was nothing to suggest that he was going to comply with putting the gun down and talking to the officers. Immediately before Mr. Ryan began to advance on Trooper Wallace Deputy Kaufman yelled out "someone go less lethal." Unfortunately, there was no officer who was in a safe position to do that. Trooper Friedle would have put himself directly in the line of fire of Trooper Wallace if he attempted to approach from the rear. The situation devolved from a stand-off to an attack on Trooper Wallace very quickly and less lethal options were not feasible.

VI. Conclusion

No charges should be issued against Trooper Wallace for the shooting of Mark Ryan. A prosecution would not be able to overcome the provision of the Self Defense Act in charging nor the burden of proof at trial.

Press release: Yes

Exhibits

1. Weapon recovered from Mr. Ryan after the shooting.



2. Scale scene diagram with additional labels added by AAG.



3. Screenshot from Tpr. Friedle's BWC while Dep. Kaufman is attempting to talk to Mr. Ryan.



4. Screenshot from Dep. Kaufman's bodycam showing Mr. Ryan and Tpr. Wallace at the moment the first shot is fired.



5. Mr. Ryan pointing the gun at officers in a screenshot from a neighbor's cell phone video.



6. Trooper Wallace shooting Mr. Ryan from neighbor's cell phone video

