

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
HOMICIDE UNIT

CONFIDENTIAL INVESTIGATIVE REPORT

<u>Offense / Incident</u> Shooting	<u>Victim / Business Name</u> Schultz, Joseph Charles	<u>Case Number</u> 2002-708878
<u>Date Written</u> 03/29/2002	<u>Victim / Business Address</u> 7912 Sea Breeze Drive Baltimore, Maryland 21226	<u>Original Date</u> 03/01/2002

INCIDENT TYPE: Shooting

DATE OF INCIDENT: March 1st, 2002

LOCATION OF INCIDENT: Fort Smallwood Road at Marley Neck Boulevard

VICTIM(S): Schultz, Joseph Charles
W/M, dob 12/17/81
515 Maude Avenue
Baltimore, Maryland 21225

Temporarily residing at:
7912 Sea Breeze Drive
Baltimore, Maryland 21226

F.B.I. PERSONNEL: Special Agent Christopher Braga (shooting agent)
Special Agent L. Bradlee Sheafe
Special Agent Stephen P. Stowe
Special Agent Donald E. Kornek
Special Agent Henry F. Hanburger
Special Agent Lawrence S. Brosnan
Special Agent Eric L. Karandy

INVESTIGATOR: Detective Debra E. Arduini 1004
Anne Arundel County Police Department
Criminal Investigation Division
Homicide Unit
41 Community Place
Crownsville, Maryland 21032
O (410)222-3453

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

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SYNOPSIS OF ORIGINAL REPORT

- Armed Robbery of Allfirst Bank

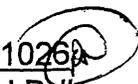
On February 20th, 2002, at approximately 0939 hours, Officer Kirby 1386¹ responded to the Allfirst Bank, 8493 Fort Smallwood Road, Pasadena, Maryland, for a reported armed bank robbery. The armed robber had reportedly fled the scene in a small green Ford pick-up truck which bore the words "Bonded & Insured" and the numbers 10644 underneath such. According to witnesses, the suspect entered the bank at approximately 0938 hours wearing a dark green sweatshirt with another dark-colored shirt underneath. He was also wearing dark green sweatpants, dark-colored work boots, gloves and a dark-colored ski mask.

Upon entering the bank, the suspect had the ski mask covering his face and was waving a silver semi-automatic handgun around. As he entered the bank, he was yelling, "This is a hold-up. Get on the fucking ground". The bank alarm was activated by employee Margret Morningstar² after she viewed the suspect through a peephole in a back room. The suspect went to the window of teller Angela White³ and pointed the gun at her and demanded money. She believed him to be in his mid-30s and noted that he remained calm until he began to demand money from the teller two windows down from her. He began raising his voice when that teller did not move fast enough for him. That teller, Laura Ann Bucklew⁴, said that the suspect pointed the gun at her and yelled, "You have ten seconds to give up the money, or I'll blow your fucking head off". She noted that he had a deep voice and may have been in his late 20's to early 30's.

Employee Deborah Mary Ernest⁵ also stated that the suspect had a light complexion and dark, almost black, eyebrows. The green 1991 Ford Ranger pick-up truck, the getaway vehicle, was parked in front of the bank, facing east. After the suspect collected the money, he ran out of the bank with the money loose in his arms and jumped into the passenger side of the vehicle. The money taken did not contain a dye pack or traceable bills.

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Immediately after he entered the vehicle, the vehicle sped off then turned left onto Riviera Drive. One witness stated that she believed there was another individual in the truck because as soon as the suspect jumped into the truck, it took off. Witness Angela White observed the vehicle drive by the drive-through window and she only observed one person in the vehicle. The vehicle was subsequently recovered in the same Riviera Plaza parking lot, on the other side closest to Dale Road. Eight five-dollar bills and one twenty-dollar bill were recovered from the vehicle and returned to the bank.

Further investigation revealed that the recovered pick-up truck, bearing Maryland registration 16K662, had been reported stolen at 0937 hours that day by its owner, Timothy Andrew Smith⁶, under case number 02-707558. The owner had lent the vehicle to James William Cox III⁷ at 2130 hours on February 19th, 2001, and Cox had told Smith that he had parked the truck back in the parking lot after he had finished with it. Federal Bureau of Investigation Special Agent Larry Brosnan⁸ responded to the scene, collected evidence and initiated further investigation. The Evidence Collection Unit responded to the scene and processed the scene and vehicle.

SYNOPSIS OF F.B.I. BANK ROBBERY INVESTIGATION

- As gleaned from a copy of the corresponding F.B.I. affidavit

Federal Bureau of Investigation Special Agent Larry Brosnan interviewed Timothy Andrew Smith, owner of the vehicle used in the robbery of the Allfirst Bank. Smith, of the Woodhill apartment complex in Glen Burnie, Maryland, told the agent that, on the morning of February 20th, 2002, at approximately 0700 hours, he could not locate his truck in the apartment complex parking lot. He had lent the truck to a neighbor, Jimmy Cox, on the evening of February 19th, 2002, therefore he contacted Cox and asked him where the truck was parked. Cox showed Smith where he had parked the truck and both then realized that the truck was missing.

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Special Agent Brosnan then interviewed James W. Cox at Northern District station. Cox had been interviewed by Anne Arundel County Police Detective Keith Clark⁹ after Cox had waived Miranda warnings. Cox told authorities that he had returned the truck to the apartment parking lot during the evening of February 19th, 2002, and he further denied any involvement in the bank robbery.

On February 26th, 2002, Detective M. Calvert¹⁰, Anne Arundel County Police, Criminal Investigation Division, Robbery Unit, contacted the agent and told him that he had received a call from an individual requesting anonymity. The caller had reportedly stated that Michael Blottenberger¹¹ had recently robbed a bank in the Pasadena, Maryland, area. The caller stated that Blottenberger was a crack and heroin addict who had gotten out of jail approximately three months prior. The caller also stated that Ryan, last name unknown, was also involved in the robbery.

On February 27th, 2002, Agent Brosnan interviewed Will McMinn¹², painting contractor, employer of Michael Blottenberger. McMinn said that Blottenberger did not work on February 20th, 2002, and Blottenberger had advised him since that he was again taking drugs. McMinn viewed the bank surveillance photographs from the Allfirst robbery and advised that the build of the robber looks like that of Blottenberger. He also advised that the gloves worn by the robber looked like gloves that McMinn had purchased for Blottenberger.

Also on February 27th, 2002, Timothy King¹³, painter and co-worker of Blottenberger, viewed the photographs and stated that the robber looked like Blottenberger, saying words to the effect, "It's his eyes and build". King told the agent that Blottenberger lived at his address, in the basement, at 1615 Locust Street, Baltimore, Maryland. King also advised that his girlfriend, Diana Turner¹⁴, also a co-worker, resides with him. Turner also viewed the photographs and thought the robber looked like Blottenberger, recognizing his distinctive eyes, his build and the sweatshirt worn by the robber.

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She said that Blottenberger was not home on the evening of February 19th, 2002, and he did not work on February 20th, 2002, only returning to the residence infrequently since that date. She also believed that the sweatshirt in the photographs was now in the basement laundry pile (a common area). She had often seen him wearing the sweatshirt with a small "NIKE" logo on the left chest. Turner was later unable to locate that sweatshirt.

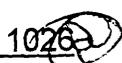
On March 1st, 2002, at approximately 0007 hours, Timothy King contacted the agent and advised that Blottenberger had returned to the Locust Street address and the two of them had a talk. Blottenberger had been downstairs with a girl named Lisa, therefore King and Blottenberger decided to walk to a nearby bar and talk. King told Blottenberger that he had to tell him the truth about his troubles or he would not be allowed back in their house again. King said that Blottenberger had told him that he had committed a felony. King asked Blottenberger if he had robbed a bank and Blottenberger said, "No, Ryan did. I drove the getaway car." Blottenberger refused to turn himself in and eventually left.

Diana Turner, shortly after Blottenberger's departure, proceeded to look through common areas of the home and she discovered two air pistols resembling semiautomatic pistols in a cabinet beneath their television, located in a common area of their basement. King contacted the Baltimore Police Department and Agent Brosnan and the pistols were eventually turned over to the agent. Agent Brosnan then executed a consent search of the common areas of the home and located Blottenberger's green "NIKE" sweatshirt and gray sweatpants in the common washing machine, still wet.

Also on March 1st, 2002, King passed on to Ryan the cell phone number for the agent and, at approximately 0815 hours that date, Ryan called the agent. The agent recognized the caller's voice as that of Ryan Patrick Merrill Grimes¹⁵ who he had previously arrested for bank robbery. Grimes denied all involvement or knowledge of the robbery.

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As a result of the aforementioned investigation, Special Agent Brosnan obtained verbal arrest authorization from an Assistant United States Attorney and he further drafted an Affidavit based on such. (NOTE: Agent Brosnan's investigative file of the robbery has been requested from the F.B.I. and will be made a part of this case file when received).

SYNOPSIS OF F.B.I. OPERATIONS PLAN

- Reference plan to arrest Michael J. Blottenberger

Through subsequent investigation to be detailed in this report, this detective obtained a copy of what was identified as the F.B.I.'s Operations Plan for the planned arrest of bank robbery suspect Michael J. Blottenberger. The plan was allegedly prepared by Special Agent Lawrence S. Brosnan on March 1st, 2002. The planned date of the operation was the same day.

The plan noted caution statements "Armed and Dangerous" and "Possible Suicidal". The overall summary of the Primary Plan was to "Follow cooperator Tim King from 1615 Locust Street, Baltimore, Maryland, to Glen Burnie area for clothes drop. ARREST SUBJECT". Also included in the plan was the F.B.I. Deadly Force Policy as of 10/17/1995: "Agents may use deadly force only when necessary, that is, when the Agents have probable cause to believe that the subject of such force poses an imminent danger of death or serious injury to the Agents or other persons."

A section of the plan was entitled "Subject Information". The following identifiers were listed: Michael J. Blottenberger, W/M, dob 11/17/69, 5'9", 185 lbs, black hair. The section also instructed agents to "See photograph and description". Under "Vehicle Information" was noted: gold/silver Ford Escort, license JER299 (Maryland). The plan noted Blottenberger to have an "Extensive" criminal history. It also mentioned two reasons for the earlier caution statement: "A & D robbery" and "Crack and heroin addict". "Verbal Arrest Authority" was noted as the outstanding legal process.

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A section entitled "Other information regarding subject" read "Distraught. Will not go back to jail. Addictions/ Anti-depression drugs". "Law Enforcement Participants in the Operation" were noted to be the following Special Agents: Brosnan, Beaton¹⁶, Mones¹⁷, Karandy¹⁸, German¹⁹, Hanburger²⁰, Stowe²¹, Braga²², Brown²³, Kornek²⁴ and Sheafe²⁵. "Law Enforcement Personnel Supporting the Operation" was noted to be "TBA", agency "AACPD". Under the section entitled "Administration and Equipment", specifically "Weapons and Ammunition", was noted "Each team member will have a pistol, plus a minimum of two fully loaded magazines". Under "Clothing and Equipment" was noted "Body armor, pepper spray, ASP, flashlights, radios, handcuffs".

SYNOPSIS OF SURVEILLANCE AND TRAFFIC STOP (Friday, March 1st, 2002)

- As gleaned from reports by Detectives Hodge and Gall.

On March 1st, 2002, at approximately 1630 hours, Detective E. Hodge 1210²⁶, Criminal Investigation Division, Robbery Unit, and Detective S. Gall 752²⁷, Criminal Investigation Division, Career Criminal Unit, met with Federal Bureau of Investigation Special Agent Henry Hanburger in the parking lot of the Home Depot store located on East Ordnance Road, Glen Burnie, Maryland, to assist with the apprehension of Michael Blottenberger. Agent Hanburger advised the detectives that Agent Lawrence Brosnan had been in contact with an informant who had provided information in reference to a meeting with the suspected bank robber. He also provided detectives with a picture and description of the suspect and possible suspect vehicles. Detective Gall attached to his report the piece of paper bearing a copy of a 1998 mugshot of Blottenberger. Handwritten on the page was the suspect's name, a general physical description including that he wears prescription glasses and often wears a white Tommy Hilfiger ballcap. The flyer said that he drives a gold/silver Ford Escort bearing Maryland registration JER299, and that he was seen the prior evening in a blue Chevrolet Celebrity or Cavalier station wagon, an older model with square headlights.

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At approximately 1745 hours, Agent Hanburger advised that the informant had just informed them that Blottenberger would be meeting the informant at the Seven-Eleven store at the intersection of Maryland Route 648 and Marley Neck Boulevard in Glen Burnie, Maryland. According to the agent, Blottenberger would be driven by a white female, possibly driving a blue station wagon. According to Detective Gall's report, the female driver of the blue station wagon was described as 5'11", 140 pounds, having short red hair. Both detectives then responded to the area of the Seven-Eleven store and Agent Hanburger asked that they meet with two agents in a white Buick parked in a church parking lot across from the Seven-Eleven store.

Detectives Hodge and Gall, riding in Detective Hodge's assigned blue Ford Mustang, met with two plainclothes F.B.I. agents driving a white Buick, in the parking lot of a church located north of and across the street from the Seven-Eleven store. Detective Hodge was not able to recall what clothing the agents were wearing, only that they were wearing plainclothes. Detective Hodge also does not recall seeing any identifying insignia on the agent's outer garments. The agents advised that they had visual contact with the Seven-Eleven store and its parking lot. The detectives advised that they would drive through the surrounding neighborhood and conduct surveillance.

At approximately 1755 hours, the two detectives parked at Bertram Road and Maryland Route 648, just south of the Seven-Eleven store. They received a call, via police radio, from channel "E", dispatch, asking Detective Hodge to telephone the communications center. Detective Hodge called the dispatcher via cellular telephone. The dispatcher said that a caller was on the line stating that the person they were looking for had just driven by the Seven-Eleven store in a red vehicle driven by his sister. The dispatcher checked with the caller then advised the detective that the subject vehicle was a red Honda Civic. Detective Hodge mentioned that they may have already seen that vehicle drive past them already, several minutes prior.

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Detective Gall then immediately attempted to contact Agent Hanburger by radio (Agent Hanburger was the only agent with an Anne Arundel County police radio). Prior to acknowledging Detective Gall, Agent Hanburger, via Anne Arundel County police radio, stated that the suspect was in a small red car, traveling north on Maryland Route 648. Detective Gall then advised over the air that it should be a red Honda Civic.

The detectives then observed Agent Hanburger's vehicle pass their position, heading north on Maryland Route 648. The detectives then pulled onto Maryland Route 648 and proceeded to follow behind the agent. Agent Hanburger then activated his vehicle's emergency equipment and made a u-turn just north of the Marley Neck Boulevard intersection and then proceeded northeast on Marley Neck Boulevard. The detectives then activated their vehicle's emergency equipment and made the u-turn, following Agent Hanburger.

At 1810 hours, Agent Hanburger and both detectives arrived at Fort Smallwood Road and Marley Neck Boulevard where agents had apparently stopped a small red Pontiac Grand Am. Detective Hodge observed a beige Chevrolet Impala on the left of the Pontiac and a white Buick behind the Pontiac. He further observed several agents, two of which were the agents they had just met up with in the church parking lot, around a white male who was on his back, handcuffed, just to the right of the vehicle.

Again, Detective Hodge does not recall observing any identifying insignia on the agents. He does recall seeing one agent wearing a black safari-type vest, kneeling next to the handcuffed individual. Detective Gall reported that several agents were carrying long weapons and that two agents were wearing black tactical vests and another wore a black cover vest. He does not recall seeing any F.B.I. insignia on the front of their vests.

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Detective Hodge also observed a white female lying prone, un-cuffed, next to the left side of the vehicle and a plainclothes agent with an F.B.I. badge on his belt standing near her. The detective notified dispatch that the F.B.I. had one suspect in custody at that location. Dispatch responded that she would send a marked unit to the scene. Detective Hodge then handcuffed the unsecured female for officer safety reasons. He then stood her up and placed her at the back of her vehicle. Detective Hodge then noticed that the handcuffed male subject was bleeding from the nose and face.

The detective then asked the agent near the female subject if he wanted an ambulance to respond. The agent stated that one of their agents was a paramedic. He pointed to the agent with the black vest that was administering aid to the subject and told the detective to ask him. Detective Hodge then asked that agent and the agent told the detective to call for an ambulance. The detective then radioed for fire department units to respond for an injured subject. Dispatch advised that the fire department was en route and wanted to know the nature of the injuries. The detective asked the paramedic agent such question and he responded that the subject had taken a round in the face. Dispatch was notified that the injury was a gunshot wound and that fire units should expedite their response. Dispatch acknowledged and inquired whether the injury had been sustained by an officer or a suspect. The detective stated that it was a suspect.

Several minutes later, they learned from Agent Brosnan that the subject was not Michael Blottenberger. Acting upon such information, Detective Hodge immediately un-cuffed the female and placed her in the front seat of his police vehicle. Several police and fire units arrived on scene and Sergeant T. Kohlmann 1016²⁸ arrived and the area was taped off with crime scene tape. Detective Hodge then asked several agents which one had fired their weapon. He was informed that Agent Braga, who was then putting on a pullover jacket while standing near the fire units, had fired his weapon. He asked Agent Braga where his weapon was and he indicated that his weapon was locked in the front seat of his vehicle, the white Buick parked behind the Pontiac Grand Am.

CASE STATUS: OPEN

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Detective Hodge asked the agent if he had recovered the ejected shell casing. The agent said that he had not, therefore, the detective searched the grassy area where the subject had been laying. He located a silver shell casing and stood a notebook over the casing. Agent Brosnan advised Detective Gall that he and other agents were going to 1940 Hilltop Road in Pasadena, Maryland, in an attempt to locate Michael Blottenberger. Both detectives original reports reference this incident are included in this case file.

INITIAL INVESTIGATION (Friday, March 1st, 2002)

- Initial response by investigating detectives.

This writer (Detective Arduini) and Detective H. Hasenpusch²⁹, Criminal Investigation Division, Homicide Unit, were at Police Headquarters in the Evidence Collection Unit office when we heard Detective Hodge inform dispatch that a shooting had just occurred. We went to the communications supervisor and determined that such had just occurred at the intersection of Marley Neck Boulevard and Fort Smallwood Road. We responded priority to that location and were on-scene at 1831 hours. We parked our vehicles along the Fort Smallwood Road median and walked over to the general area of the scene.

On scene were several fire department units to include Truck 11, Paramedic 18 and Ambulance 119 of the Anne Arundel County Fire Department. We learned that the shooting victim was Joseph Charles Schultz and was not the bank robbery suspect that the F.B.I. had been searching for on that evening. We also learned that the victim was being taken by Paramedic 18 to a landing zone where Trooper 8, the Maryland State Police helicopter, would meet that unit and transport the victim to University of Maryland Hospital, Shock Trauma. This detective noted that the primary scene, including a red Pontiac Grand Am bearing Maryland registration KCW895, a gold Chevrolet Impala bearing Maryland registration GRM254 and a white Buick Century bearing Maryland registration JHF856, was taped off with crime scene tape.

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This detective spoke briefly with Detective Hodge who explained what he knew to have transpired. This detective asked him which agents were involved in the initial traffic stop and he pointed to a small group of agents standing on the other side of the crime scene in a grassy area. This detective noted the four to be dressed in casual plainclothes with no apparent visible law enforcement identification of note. They were talking among themselves when this detective approached them and ascertained their names and which cars they were riding in. They told me that the Chevrolet Impala was driven by Special Agent Don Kornek, with Special Agent Steve Stowe as the passenger. They also told me that the Buick Century was driven by Special Agent Sheafe, with the passenger being Special Agent Braga. As this detective attempted to inquire further as to what had just transpired, the agents declined to discuss such, citing that they were waiting for their supervisors to arrive on scene.

This detective further noted that Officer M. Kirby was maintaining a crime scene entry and exit log (PD form 176). Sergeant J. Wood³⁰, Criminal Investigation Division, Robbery Unit, and Sergeant T. Kohlmann, Eastern District, also arrived on scene. The female driver of the Pontiac Grand Am was identified as Kristen Harkum³¹. Per Sergeant Wood, she was transported to the Criminal Investigation Division by Detectives Hodge and Gall where she was interviewed by Detective Hodge. Lieutenant D. Hauf³² and Captain T. Suit³³ also arrived on scene and liaised with F.B.I. supervision arriving on scene.

Initially, no determination had been made as to who might be the investigating authority in such incident. Proceeding on the possibility that the investigation might fall into the hands of the Anne Arundel County Police Department, the Evidence Collection Unit was asked to respond and Technicians B. Caliendo³⁴ and S. Blondin³⁵ eventually arrived on scene. This detective asked that they begin shooting overall photographs of the scene while jurisdictional issues were resolved.

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Also arriving on scene was F.B.I. Acting Assistant Special Agent in Charge George S. Layton³⁶ and Special Agent Peter Gulotta³⁷, their Public Information Officer. Agent Layton informed this detective that F.B.I. Baltimore Field Office Special Agent in Charge Lynne Hunt³⁸ was en route to that location. I was also informed that the F.B.I. had one of their own evidence technicians en route. The F.B.I. paramedic agent wanted to remove his medical equipment from the crime scene area, however, he was asked to wait until the scene was photographed. At 1945 hours, after photographs of that area were taken, both the fire department and that agent were permitted to remove their medical gear from the crime scene area.

Detective Hasenpusch responded to headquarters and returned with the department's Conflict Negotiation Team van to be used as an on-scene command post. Supervisory Special Agent Joe O'Hara³⁹, F.B.I. Baltimore Field Office, was introduced to this detective as a point of contact reference this investigation. Lieutenant Hauf told this detective and Detective Hasenpusch that the F.B.I. would be assuming investigation of this incident, however, Captain Suit soon informed us that the Anne Arundel County Police Department would be conducting a criminal investigation reference this incident.

SCENE DESCRIPTION

Upon arrival at the scene, this detective observed a red Pontiac Grand Am four-door bearing Maryland registration KCW895 parked along the right shoulder area of eastbound Fort Smallwood Road, near the point where the merge area from Marley Neck Boulevard ends. The front passenger side tire of the Pontiac was on the white line which separates the shoulder area from the end of the merge area. The vehicle was facing east, away from Marley Neck Boulevard. Its headlights were activated, the driver's side door was open and the passenger side doors were closed. The glass in the passenger side front window was shattered and most of the glass was no longer in the window.

CASE STATUS: OPEN


Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
HOMICIDE UNIT

CONFIDENTIAL INVESTIGATIVE REPORT

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A large amount of shattered glass and numerous apparent drops of possible blood were on the ground just outside of that door. Just past that area, located in the grassy area just off of the road was a 7-11 Slurpee cup, a Nike baseball cap and the small police notebook standing over a spent rifle shell casing.

On the driver's side of the Pontiac was a gold or champagne-colored Chevrolet Impala bearing Maryland registration JHF856. This vehicle was facing the same general direction as the Pontiac but the front passenger side of it was angled toward and was positioned somewhat ahead of the Pontiac. The passenger side visor of this car was down and I noted a passenger-side visor emergency light readily apparent but not activated at that time.

Just behind the Pontiac was a white Buick Century bearing Maryland registration GRM254. The Buick was parked behind and to the left of the Pontiac with its passenger side front corner situated nearly directly behind the middle of the Pontiac and slightly angled toward the right shoulder of the road. All of the doors on the four-door Buick were closed and in the front passenger side footwell were two rifles. Crime scene tape was attached to a Green Acres Road sign along the right side of the road and ahead of the three vehicles. It extended around the driver's side of the Chevrolet Impala back to and over the Buick Century then to a telephone pole along the side of the road and back to the Green Acres Road sign. The tape established an inner perimeter of the crime scene.

According to the U.S. Naval Observatory Astronomical Applications Department, on Friday, March 1st, 2002, in Baltimore, Maryland (at longitude W76.6, latitude N39.3), the sunset was at 5:59 p.m. and the end of civil twilight was at 6:26 p.m. (Eastern Standard Time). The phase of the moon on that date was a waning gibbous moon with 92% of the moon's visible disk illuminated. Upon this detective's arrival at the scene, a streetlight was illuminated just above the involved vehicles.

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Recorded weather conditions for the Curtis Bay, Maryland, area at 17:54 hours consisted of temperature 46.4° Fahrenheit, dewpoint 14.0° Fahrenheit, barometric pressure 30.45 inches, visibility 10.0 miles, 0.0 mph windspeed, partly cloudy. At 18:54 hours, conditions consisted of temperature 42.8° Fahrenheit, dewpoint 17.6° Fahrenheit, barometric pressure 30.48 inches, visibility 10.0 miles, 5.8 mph windspeed, partly cloudy. No precipitation was recorded in the area that day.

Also located outside the inner perimeter scene were several other F.B.I., police department and fire department vehicles. Upon request, the fire department responded with a light truck and provided adequate lighting from portable halogen lights for scene processing. Also observed to be within the inner perimeter were several medical bags and at least two portable ground-level halogen lights. These items were located in the grassy area near the hat, cup and shell casing.

* * *

Soon after this detective spoke with Detective Hodge at the scene, he and Detective Gall transported Kristen Harkum to the Criminal Investigation Division for a preliminary interview. The interview began at 1926 hours and Ms. Harkum made the following statement, signed, in her own handwriting:

...coming down Marley Neck Road. Seen a cop pulling over another car on the right side of the road. About five minutes later we came to the end of the road turned right looked beside me there was two men in a cream colored car that ran me off the road. Got out of the car pointing guns at me and my boyfriend, then all I remember is looking over and hearing a gunshot seeing my passenger side window shatter and my boyfriend screaming. There was blood all over his face, glass flew all over the both of us. They pulled us both out of the car told us to get on the ground and handcuffed us...

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

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Detective Hodge transcribed such into his typed interview and continued to follow a question and answer format for the rest of the interview. She added that she had noted that the police officer on a traffic stop that she had passed was toward the end of Marley Neck Boulevard, "but not all the way". She said that she had never noticed any cars behind her nor did she hear any sirens or see any emergency lighting as she was approached by the F.B.I. vehicle. She mentioned that the occupants of that car included a driver and a front seat passenger, that they were motioning for her to pull over and that they had "guns in their hands", "big guns, not handguns".

She said that after her car was stopped, "the two men got out of the tan car and one came over to my window yelling "put your hands up". The other ran in front of my car and went to Joe's side. He had the gun pointed at the window towards Joe's face." She said that she wasn't sure if she had seen any police or F.B.I. insignia or badges on their clothing. She put her car in park and heard a gunshot and her window shattered. She looked over and Joe was holding his face, screaming. She said that, before the gunshot, she heard the men yelling, "Put your hands up!" and possibly, "Get out of the car". She described the gunshot as not "real loud, it was like a pop and then glass shattering." She said that when she looked over to Joe, she saw he had his hands up over his face and he had blood splattered around his face and "it looked like a hole in his right side where the blood was coming out."

Ms. Harkum indicated that her boyfriend was still in the car with his seatbelt on when she opened her door and the men yelled for her to get on the ground as they pulled her out of the car and onto the ground. She said that she then heard her boyfriend crying and she may have heard one of the men saying that he thought it was glass in Schultz's face and not a gunshot. Another man said, "No, it's a gunshot". She was then handcuffed.

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Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1025
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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The interview with Ms. Harkum concluded at 2017 hours after she signed her typed statement. Detective Hodge then sent a copy of such statement via facsimile machine to this detective in the negotiation van. Both the handwritten and the typewritten statements are maintained as part of this case file. Detective Hodge returned Ms. Harkum to the scene as her father, Joseph Harkum⁴⁰, had just arrived on scene. She was turned over to her father at the scene.

Special Agent in Charge Lynne Hunt arrived on scene and it was eventually explained that the F.B.I. would conduct their own internal investigation of the incident after bringing in agents from other field offices to form a Shooting Incident Review Team. Those agents would be responsible for conducting interviews of all involved and witness agents. This detective was informed that our investigators would be invited to attend and participate in such interviews. This detective also requested a summary of events concerning the incident at hand. Special Agent Lawrence Brosnan, case agent, was directed by bureau supervision to prepare such summary. This detective offered to type the summary on the negotiation van's laptop computer. Agent Brosnan dictated the summary of events to this detective and a copy of such was provided to bureau supervision and the original was maintained and is a part of this case file. Following is the summary as dictated by Agent Brosnan:

On 02-20-02, at approximately 0942 hrs, the Allfirst Bank located at 8493 Fort Smallwood Road, Pasadena, Maryland, was robbed by a lone white male wearing a skimask with only eyes showing, brandishing a large silver automatic pistol. The robber ordered everyone to the floor and he demanded money from 2 tellers and stated words to the effect "give me your money. . .you've got 10 seconds or I'll blow your fuckin' brains out". The tellers complied and furnished him a total of \$26,324.00, U.S. currency. Witnesses describe the bank robber as a w/m, 5'7"-5'10", medium to large build, wearing a blue or black ski mask covering the face except cutouts for eyes, a green sweatshirt, black gloves, carrying a silver/nickel and black handgun. Suspect escaped in a pickup truck which was later recovered and had been reported as stolen.

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Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 10260
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On 02-26-02, Det. M. Calvert, CID-Robbery, advised that he received a call from an individual who requested anonymity. The caller stated that Michael Blottenberger had recently robbed a bank in the Pasadena, Maryland, area. Blottenberger was identified as the suspect by several independent sources. On 02-28-02, an FBI cooperative witness advised that Blottenberger had admitted to being involved in the Pasadena bank robbery. On 03-01-02 a consent search of a residence found 2 silver airpistols which were identical to the robbery weapon along with clothing which matched the subject's clothing at the time of the robbery. The evidence was linked to Blottenberger. [REDACTED]

FBI implemented operational planning to [REDACTED] effect an arrest of Blottenberger. The surveillance and arrest team were in the area of Route 648 and Marley Neck Road awaiting Blottenberger. [REDACTED] Type of vehicle was unknown. CW reported that Blottenberger was to arrive with a w/f with short red hair. CW reported Blottenberger often wore a white baseball cap and sometimes prescription glasses. All agents were furnished an ops plan along with Blottenberger's photograph and pertinent descriptive information on known vehicles. [REDACTED] FBI radio, both secure and unsecure, was not effective. Communications were poor and Nextels were somewhat efficient.

The surveillance noted a red Pontiac Grand Am pulled next to [REDACTED] and a female driver was observed along with a male passenger wearing a white baseball hat. The CW attempted to contact the case agent via cellphone and his cellphone was dead. CW hardlined 911 and reported the subject was driving in a red Honda. It is not known by the case agent if any of the agents were provided that information since the bureau radios were ineffective. The red Grand Am exited the 7-11 parking lot, turned right on Marley Neck Road and at least 2 FBI vehicles followed it.

CASE STATUS: OPEN

Detective Debra E. Arduini 1004
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ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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Case agent was unable to communicate via radio and/or Nextel to give direction or instructions. They got to the intersection of Marley Neck and Fort Smallwood Roads. Pursuing agents had their emergency lights on, attempting to stop the vehicle, and the vehicle did not stop for the red light and turned right onto Fort Smallwood Road and did not yield to the emergency lights behind them. One of the FBI vehicles acted as a blocking vehicle in front of the Grand Am and the other pulled behind. Agents exited their vehicles and asked occupants to place their hands in the air. The car's doors were locked and an agent asked the occupants to unlock the doors. The occupants didn't comply with their demands.

An agent moved in the direction of the right side of the vehicle where the passenger was sitting and observed the passenger to make a non-compliant movement in which he reached down and over toward the center of the vehicle. Then the agent, feeling threatened, fired one shot at that occupant, hitting the occupant in the face. The occupants were removed from the vehicle and immediate medical assistance by a qualified paramedic/S.A. provided care to the injured party. The remaining agents involved in the operation along with Anne Arundel County detectives arrived on scene. The case agent viewed the male subject and determined that he was not Michael Blottenberger. The County Fire Department was summonsed via radio for further medical assistance.

This detective printed such summary, maintaining one copy and providing a copy to the on-scene F.B.I. supervision and a copy to Officer Kirby for his initial reporting purposes. Officer Kirby was advised that any and all police reports generated from this incident were to be forwarded directly to this detective at the Homicide Unit.

The scene was processed by the Evidence Collection Unit and Officer G. Russell⁴¹, Traffic Safety Unit, responded to the scene and initiated a crime scene diagram using the Total Station system. The Pontiac Grand Am was towed to headquarters by Redmond's Towing.

CASE STATUS: OPEN



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An initial briefing regarding the bureau's Employee Assistance Programs was presented by Kim Jordan of the F.B.I. The briefing was intended to afford counseling to involved agents. The next briefing was presented by Special Agent Ken McCabe⁴⁶, Section Chief of the Operational Response Section. Agent McCabe informed us that he had been assigned as the chief inspector for the shooting review team.

He introduced Special Agents Glenn T. Rogers⁴⁷, Vicki Ann Mueller⁴⁸ and Kevin N. August⁴⁹ as the other members of the team. He further mentioned that two other members of the team, Supervisory Special Agent Josue' M. Martinez⁵⁰ and Supervisory Special Agent Michael Kaste⁵¹, would also be flying in from other parts of the country to assist. Agent McCabe also explained the planned investigational procedure to be used by the bureau in reference to this incident. Also introduced again was Special Agent in Charge Lynne Hunt of the Baltimore Field Office.

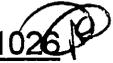
We soon paired up with members of the Shooting Incident Review Team for interviews of involved agents. The interviews commenced on Saturday, March 2nd, 2002, and continued on Monday, March 4th, 2002. Those interviewed were those who were specifically able to provide critical information in reference to this investigation. Statements from other peripheral agents have been requested and are expected to be included in the final report of the Shooting Incident Review Team. Following are relevant excerpts of those interviews completed on March 2nd and 4th, 2002:

INTERVIEW OF SPECIAL AGENT ERIC L. KARANDY

On March 2nd, 2002, at 1425 hours, at F.B.I. Baltimore, this detective and F.B.I. Unit Chief Kevin August commenced a voluntary interview of Special Agent Eric L. Karandy after he agreed to such. He would, according to Agent August, be providing a F.B.I. "form 302" (explained to be an incident report) later and a copy of such was promised to this detective once the Shooting Incident Review Team provides a final report.

CASE STATUS: OPEN


Detective Debra E. Arduini 1004
Investigator I.D.#


Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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All units cleared the scene and this detective was informed that the F.B.I. Shooting Incident Review Team would be at F.B.I. Baltimore the next day, Saturday, March 2nd, 2002, at 1300 hours. This detective indicated that several others from this agency and I would be attending such.

At 2300 hours, this detective determined that the victim was in serious but stable condition at Shock Trauma in the Trauma Resuscitation Unit. At 2310 hours, this detective and Detective Hasenpusch were the last persons to clear the scene. Detective Hasenpusch drove the negotiation van to Northern District station then rode with this detective to Shock Trauma. At 0005 hours, we met Evidence Collection Unit #41, Technician Cook 9633⁴², at the Trauma Resuscitation Unit. Technician Cook was already at the victim's bedside upon our arrival. The technician then took numerous photographs of the victim and his wounds. We observed the victim, Joseph Charles Schultz, to be incoherent, having an obvious [REDACTED]. According to attending nurse Elyn Tennyson⁴³, it was believed that a projectile may have lodged [REDACTED]. The nurse also told us that when the victim was initially brought in, he told her that he had been reaching to unlock his door when he was shot.

INVESTIGATION (Saturday, March 2nd, 2002)

- Shooting Incident Review Team deployment and interviews.

On Saturday, March 2nd, 2002, at approximately 1300 hours, this detective arrived at the Federal Bureau of Investigation, Baltimore Field Office, 7142 Ambassador Road, Baltimore, Maryland. Also present from the Anne Arundel County Police Department were Detectives Hasenpusch, Cremen⁴⁴, Grant⁴⁵ and Gall. We gathered in the conference room adjacent to the office of the Special Agent in Charge. Also present were numerous F.B.I. personnel to include those agents involved in the events of the prior evening.

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1028
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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Agent Karandy said that he had arrived on the scene of the shooting two to five minutes after the incident, that he was the primary relief supervisor at the time. He said that he is assigned to the Annapolis Resident Agency and David Midura⁵² is his supervisor. He said his initial belief was that Michael Blottenberger was a potential suicide risk and that, at approximately 1500 hours on March 1st, 2002, Agent Hanburger had presented a briefing on such.

He said that each agent was given a photocopy of Blottenberger's picture with additional descriptors and he knew that Agent Brosnan was meeting with [REDACTED]. He said that the ops plan was verbally conveyed to all participants. He said that on the photocopy was noted that Blottenberger was thought to be driving an Escort, but on the night before, he was seen in a blue Celebrity or Cavalier station wagon.

The agent learned that [REDACTED] was to meet Blottenberger at approximately 1600 hours at an undetermined location. The F.B.I. had initiated surveillance [REDACTED] and that Agent Brosnan was on the cellphone with [REDACTED], trying to control the meeting location, that the intention was to have a stationary arrest in which Blottenberger and [REDACTED].

Agent Karandy said that he stayed behind in the office to prepare a formal ops plan to fax to Acting Assistant Special Agent in Charge George Layton, which he did. After such, he departed Annapolis and arrived in the vicinity of the surveillance detail. The initial rendezvous point for the agents was the Maryland Route 2, Glen Burnie Lowe's and Giant stores, area. He said that communication was poor, initially using their car radios, then resorting to Nextel phones to contact Agent Hanburger.

CASE STATUS: OPEN


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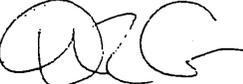
When Agent Karandy was near the Lowe's store, Brosnan learns from [REDACTED] that Blottenberger will have a white female with him, that the female had short red hair. Brosnan and Mones are following [REDACTED]. Initial information noted that she was driving a blue Celebrity or Cavalier station wagon. At approximately 1730 hours, Agent Hanburger updated that [REDACTED] is going to the Bank of America on Maryland Route 2 so that he can give Blottenberger some money. The agent noted that their intention was to also arrest the white female driver.

Agent Hanburger then announced that the new rendezvous point was the 7-11 store on Maryland Route 648. Surveillance of the 7-11 was initiated at approximately 1730 to 1745 hours. Agent Karandy said that he heard some radio transmissions and he, driving alone, set up at the baseball field (near Marley Middle School from this detective's best determination). He saw [REDACTED] at the 7-11 store and one unit said that an individual with a white baseball cap in a red vehicle parked next to [REDACTED]. A white male exited the vehicle which was driven by a white female and the male went into the 7-11. That vehicle eventually left the lot and was followed by agents.

Agent Karandy heard, over the air, that the red vehicle was moving rapidly and Agent Braga said that he turned right out of the 7-11. Agent Karandy noted Agent Hanburger's vehicle clearing the intersection (of Route 648 and Marley Neck Boulevard) as he (Agent Karandy) prepared to cross Route 648. Agent Karandy then hears that the vehicle had passed under the power lines. He then hears either Agent Braga or Stowe ask Agent Hanburger if they should do a traffic stop. Both initial cars decide over the air how the stop should be done and the subject vehicle is, according to Karandy, "redballed at the light" as it made a rapid turn on a red signal.

When Karandy arrived on scene, he observed a white female on the subject car, handcuffed and crying. He noticed busted glass on the passenger side of that car and a white male on the ground being provided medical assistance by Agent Sheafe.

CASE STATUS: OPEN


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Agent Braga had a long gun strapped on. [REDACTED] and Brosnan spoke with him then brought him to the white male for identification purposes. [REDACTED] said "that's not him" and [REDACTED] said that "911" put him on hold when he was trying to relay information about the suspect vehicle being a red Honda.

Agent Braga said, "I shot him" and Agent Karandy asked him what happened. Agent Braga said "I'm on the passenger side ordering the guy out of the vehicle and he starts reaching down and I fired a shot". Agent Karandy asked him (Braga) if he was okay and he was despondent. Agent Karandy recalled seeing the badges of all four initial agents but does not recall any further identification or emergency equipment.

Our interview of Agent Karandy concluded at 1656 hours. The original interview notes of this detective are maintained within this case file.

INTERVIEW OF SPECIAL AGENT GEORGE LAYTON

On March 2nd, 2002, at 1425 hours, at F.B.I. Baltimore, Detective Rob Cremen and F.B.I. Unit Chief Glenn T. Rogers commenced an voluntary interview of Special Agent George S. Layton after he agreed to such. As with Agent Karandy, he would, according to Agent Rogers, be providing a F.B.I. "form 302" (explained to be an incident report) later and a copy of such was promised to this detective once the Shooting Incident Review Team provides a final report.

Agent Layton, assigned for the prior two weeks as the Acting Assistant Special Agent in Charge at the Violent Crimes Squad in Calverton, recalled the events of March 1st, 2002. He said that, on that date, at approximately 1415 hours, Agent Karandy, relief supervisor and acting supervisor of the Annapolis Resident Agency, told him that Agent Brosnan had the subject case and had oral authority to arrest a bank robbery suspect in reference to the case.

CASE STATUS: OPEN



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Sgt. David D. Waltemeyer, Jr. 1026
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Agent Layton asked Agent Karandy for information on the suspect and then spoke with Agent Brosnan who described the case to him, saying that he identified the suspect through sources and a video. He added that the U.S. Attorney gave him permission to effect an arrest and that he was also working with authorities in Anne Arundel County.

Agent Brosnan further explained the merits of his investigation and later called back and advised that his source was going to lead him to the suspect. The purpose of the call was to advise the supervisor (Layton) and ask for additional help. Agent Layton asked for a copy of the ops plan but Agent Brosnan didn't have it, however, he advised that he made sure everyone at the briefing knew what their role was. Agent Brosnan had contacted Agent Braga earlier in the day and Agent Layton afforded Agent Brosnan the assistance of S.W.A.T. members Braga, Stowe, Sheafe and Kornek.

Agent Layton described the plan as a "no brainer" from the management aspect. The team met Agent Brosnan and at 1546 hours, Agent Layton received a copy of the ops plan via facsimile machine, describing the plan as "generic" with an attached affidavit of facts. Agent Layton read such and called Agent Brosnan and advised that Brosnan be part of assignments of team members. Brosnan advised that he was running late but would take care of it. Agent Layton sent the four S.W.A.T. members from the Calverton office to the Annapolis office at approximately 1500 hours.

At approximately 1730 hours, Agent Layton contacted Agent Brosnan to check on the operation. Eventually, at approximately 1825 hours, Agent Stowe contacted Agent Layton and advised what had happened, saying, "Chris shot somebody and it wasn't the bank robber". At approximately 1930 hours, Agent Layton arrived on scene and spoke with Captain Suit and this detective then waited for Special Agent in Charge Lynne Hunt's arrival. Agent Layton instructed Agent Brosnan to provide a statement to this detective and he further instructed Agent Braga not to give a statement.

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Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

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The original interview notes of Detective Cremen are maintained within this case file.

INTERVIEW OF SPECIAL AGENT LAWRENCE S. BROSAN

On March 2nd, 2002, Special Agent Lawrence S. Brosnan was interviewed by Supervisory Special Agent Vicki Ann Mueller and Detective Sean Grant after agreeing to provide a voluntary statement reference this incident. Agent Brosnan provided details about the events leading up to the surveillance detail. He also voiced his opinion of the Bureau's radio system, characterizing it as "seriously flawed". Following is an excerpt, relevant to the surveillance detail and traffic stop, from his official voluntary sworn statement of which a copy of such was provided to this detective:

...Shortly after this conversation, [REDACTED] called again and advised Blottenberger would [REDACTED] Blottenberger said he would be driven in a car by a girlfriend. [REDACTED] advised the person could be Lisa (LNU), [REDACTED]. The girl was described [REDACTED] as having short, red hair. Blottenberger would not or did not divulge the make and model of the car he would be driving in. Blottenberger told [REDACTED] at the 7-11 located off of Route 648/Baltimore Annapolis Boulevard.

I then contacted SA Hank Hanburger via my Nextel Direct-Connect and advised of the their intended location for the meeting. SA Hanburger transmitted the location information over the Bureau radio. For those of the team who did not acknowledge, he contacted them via Nextel Direct-Connect. He advised them that the subject was being driven in a car by a possible redheaded, white female. King advised that Michael Blottenberger could be wearing a white baseball cap, as he normally had worn such a cap. The vehicle make and model were unknown.

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SA Hanburger was relaying information he had received from SA Mones while I spoke to [REDACTED] on my Nextel phone. SA Barry Mones and I along with SA Hank Hanburger, followed [REDACTED] to the First Union Bank located on South Route 2 and Ordnance Road, where he met [REDACTED] and picked-up his pay. [REDACTED] left the Bank and drove to the 7-11 where he and Blottenberger had agreed to meet. I observed King's green truck parked in front of the 7-11 store.

A short time later, a red, Grand AM pulled into the 7-11 parking lot and parked to the left and next to [REDACTED]. Someone, I don't recall who, advised that the driver of the vehicle was a white female and a white male wearing a white baseball cap was sitting in the passenger seat. None of the surveillance team could positively identify the passenger as Blottenberger, because they were too far away from the car.

My Bureau radio was again not working. I heard only intermittent radio transmissions from the surveillance/arrest team. I observed the red, Grand Am pulling out of the 7-11 parking lot and turning right onto Marley Neck Boulevard.

I and SA Barry Mones called SA Chris Braga via the Nextel and told him to follow the red, Grand AM, but advised we did not know who was in the car. I heard SA Mones on the radio say that he did not know if the passenger was the subject, meaning Blottenberger, but to just follow the car. Inasmuch as [REDACTED] remained missing from his parked car, I remained circling the area around the 7-11 location, awaiting his return to the vehicle.

I heard the surveillance group transmission off and on over the Bureau radio and was aware part of the team were following the red Grand AM. I pulled out of a parking lot and followed in the direction that I had observed the red Grand AM travel, north on Marley Neck Road toward the Fort Smallwood intersection. SA Mones instructed SA German over the Nextel to remain in the vicinity of the 7-11 store to maintain visual contact with [REDACTED].

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As I drove, I noticed wigwag lights in my rearview mirror, and SA Hank Hanburger passed by me in his vehicle. He had his lights flashing. I was unable to hear any radio transmission at this time. Also behind me, two cars back, was a second vehicle with their emergency lights flashing and I believe I heard sirens sounding.

I approached the Marley Neck Road and Fort Smallwood intersection and turned right onto Fort Smallwood Road. I observed the red Grand AM parked and pulled over to the side of the road. A Bureau car was beside the Grand AM on the Grand AM's driver side and another Bureau car was directly behind the Grand AM. I exited my vehicle and observed that the female driver was proned out on the ground, in cuffs. The Grand AM passenger's window was smashed. The male passenger was sitting on the ground. His face was bloodied. SA Brad Sheafe, a paramedic, was kneeling beside the man addressing his [REDACTED] wounds. I did not know he had been shot. SA Steve Stowe stood near the front of the Grand AM on the passenger side. SA Don Kornek was in front of the Grand AM facing the female. I immediately recognized that this person was not Blottenberger, and told SA Chris Braga that it was "not him".

SA Braga stood beside SA Sheafe. Everyone was quiet. The team was dressed in civilian street clothing. SA Chris Braga wore an unzipped jacket over his black body armor. His FBI badge hung visibly from a chain around his neck. I have no recollection of what the other Agents were wearing, although I recall seeing FBI badges displayed. I have no recollection of car sirens or lights flashing at the scene. At the time of the incident it was daylight turning to dusk. Visibility was good.

A short time later, [REDACTED] showed up on the scene. He told me that his cell phone had gone dead. [REDACTED] said he had gone into the 7-11 store and telephoned a 911 operator. He told the operator he was working with the FBI and Anne Arundel County Police Department (AACoPD).

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He begged the person to contact (AACoPD) tell us that he had seen Blottenberger on Route 648/Baltimore Annapolis Boulevard, and that he was a passenger in a red Honda. The car was being driven by his sister. [REDACTED] had observed the car traveling on Marley Neck Road traveling toward his "mother's house." I asked him to look at the bloodied male in custody for possible identification or association with Blottenberger. [REDACTED] said he did not know either of the people...

A copy of the entire sworn statement of Agent Brosnan, along with the notes of Detective Grant and a hand-sketched diagram of the traffic stop (done by Agent Brosnan) will be maintained within this case file.

INTERVIEW OF SPECIAL AGENT L. BRADLEE SHEAFE

- SA Sheafe was driving the car that SA Braga rode in

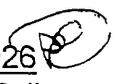
On March 2nd, 2002, at 1715 hours, Special Agent L. Bradlee Sheafe was interviewed by Unit Chief Kevin N. August and this detective after agreeing to provide a voluntary statement reference this incident. Following is an excerpt, relevant to the surveillance detail and traffic stop, from his official voluntary sworn statement of which a copy of such was provided to this detective:

...On March 1, 2002, during the shooting incident, I was carrying my Bureau issued Springfield .45-caliber pistol loaded with eight rounds (one chambered round) and two additional magazines with 7 rounds each. I was also carrying my Bureau issued M-4 rifle loaded with 25 rounds (one chambered round). I did not fire either weapon. I wore my Bureau issued body armor over my street clothes. The body armor displayed FBI insignia on the front left pocket and displayed FBI in bold white letters. I also displayed my FBI badge which was clipped onto the right side of my waist (on my belt) just in front of my holster.

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Once I began to render aid to the subject, I removed the FBI insignia from my body armor and stored it in one of my pockets. I did this to not further agitate the subject and to avoid calling any special attention to myself from members of the media while rendering medical assistance to the injured subject.

Additionally, each member of the arrest team was provided with the following information during the briefing:

1. A photograph of the bank robbery suspect, Michael J Blottenberger, and details of his criminal history, which included an attempted murder charge.
2. The Operations Plan (OPS) was briefed from a single copy.
3. A physical description of the CW, Tim King, and a description of his truck, a green Ford Ranger pick-up with gold accents.
4. A description of two automobiles (gold/silver Ford Escort and an older model, blue Chevrolet station wagon with square headlights) associated with the subject, Michael J. Blottenberger.
5. Information obtained from CW King that he was to potentially meet Blottenberger at an undetermined location near the Days Inn Hotel in Glen Burnie, Maryland, in order to provide Blottenberger with the duffle bag of clothing.
6. Subject was characterized as Armed and Dangerous based on his criminal history and suspicion of armed bank robbery. He was also characterized by SA Hanburger as a drug user, despondent and possibly suicidal.

No specific arrest scenario was discussed during the briefing because the situation remained fluid.

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Upon the conclusion of the briefing, SA Christopher Braga and I drove to the Days Inn Hotel on Route 2 in Glen Burnie, Maryland, in my assigned Bureau vehicle. Upon our arrival, we drove through the Days Inn parking lot seeking to locate a vehicle matching the description of any of the subject's known automobiles. The sweep of the parking lot failed to locate any matching vehicles.

Sometime after 4:30 p.m., the arrest team was notified via Bureau radio by SA Hanburger that the CW wanted to meet with his (the CW's) supervisor to pick up a check. The CW would get the check, cash it and [REDACTED] as further inducement for a face-to-face meeting. Also, at this approximate time, the arrest team was advised via the radio by SA Hanburger that CW [REDACTED] was attired in all black with a white baseball cap. The arrest team was instructed (via radio traffic) that the CW would also [REDACTED] in order to protect his safety and mask his association and cooperation with the FBI. The team was additionally notified that the subject (Blottenberger) had a girlfriend who was described as a white female, 5'11", with red hair. It was suspected that the girlfriend would accompany Blottenberger to pick up the clothing from [REDACTED]. No information was provided on vehicles belonging to the girlfriend. Although it was apparent the CW was in contact with subject, I did not know the means by which the two were communicating.

Shortly after 5:00 p.m., the arrest team was advised that a meeting between the CW and the subject was scheduled to take Place at a 7-11 located on Maryland Route 648 near Marley Neck, Maryland. SA Braga and I drove out to that location and spent a brief amount of time scouting the area and possible surveillance locations. During this time we met with two Anne Arundel County Police Department detectives, as arranged with SA Hanburger. The two detectives were unknown to me and attired in plain clothes, driving an unmarked vehicle. We briefly discussed the surveillance with them. Also during this time, additional members of the arrest team arrived in the area and set up to conduct the surveillance. At that time SA Stowe advised SA Braga and I either over the Nextel or car radio that he and SA Don Kornek were in SA Mike Brown's car.

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At the time I believed that SAs Stowe, Kornek and Brown were all in the same car, however, I later found out that SA Brown had taken SA Kornek's car and gone home for the evening. SA Braga and I positioned our vehicle at an Italian restaurant situated just southeast of the 7-11, which allowed us a good view of the store.

At approximately 5:48 p.m. I observed the CW [REDACTED] drive into the 7-11 parking lot in the previously described [REDACTED], dressed as previously described. I further observed the CW exit his vehicle and enter the 7-11. At about 5:50 p.m., SA Braga and I observed a late model, red vehicle later identified as a Pontiac Grand Am drive into the 7-11 parking lot. I observed a white male wearing a white baseball cap exit the passenger side front seat of the vehicle and enter the 7-11.

From our vantage point, it appeared as though the white male passenger fit the physical description of bank robbery subject Michael J. Blottenberger. This assessment was made due to the fact the subject appeared to be a white male, approximately the same height, weight and age as Blottenberger and was wearing a baseball cap, as was Blottenberger's habit according to the briefing. SA Braga and I could not see the driver of the vehicle as our line of sight was obstructed by the CW's truck. We advised SA Stowe of the presence of the vehicle and its occupants, and requested he make an attempt to observe the driver. SA Stowe subsequently advised that the driver was a redheaded white female.

Although I am certain SA Stowe provided the team with the description of the redheaded female, I do not know whether or not the information was conveyed either over the Nextel or the car radio. The subject stayed in the 7-11 for two or three minutes and appeared to meet briefly with the CW before exiting the 7-11 and re-entering the red vehicle. I came to the conclusion that the subject had possibly engaged with CW King inasmuch as I could clearly observe that they stood in close proximity to each other within the 7-11 and appeared to have contact.

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(NOTE: Efforts to obtain a video surveillance tape from the 7-11 store were made and, according to 7-11 security representative Earl Winterling, no taping has been done in the store since February 24th, 2002).

Shortly thereafter, either SA Hanburger or Brosnan advised the team over the Nextel or the car radio, that the CW had just advised that he (the CW) had met with the subject in the 7-11, and that he (the subject) was leaving in a red vehicle. At that time, SA Braga and I had just observed the suspect vehicle leave the 7-11 parking lot and make a right turn onto Marley Neck Boulevard. (NOTE: Agent Sheafe's statement that agents were advised that the CW had met with the subject (Schultz) in the 7-11 is inconsistent with the statements of other agents, however, the advisement that the subject (Schultz) was leaving in a red vehicle was consistent).

SA Braga and I were temporarily prevented from pursuing the suspect vehicle because we were parked in a lot on the opposite side of the street and were unable to safely enter the roadway and negotiate a right turn onto Marley Neck Boulevard. Upon entering the roadway and making the turn onto Marley Neck, SA Braga and I joined the lead FBI vehicle, which was ahead of us, in pursuit of the suspect vehicle. I was the driver of my vehicle and SA Braga was my only passenger, positioned in the front passenger seat. In the lead FBI vehicle were, we believed, SAs Stowe, Kornek, and Brown.

The pursuit of the suspect vehicle commenced at approximately 6:00 p.m. At approximately 6:05 p.m., the suspect vehicle was stopped at a red light at what was later determined to be the intersection of Marley Neck Boulevard and Maryland Route 173. I heard SA Stowe inquiring over the car radio whether or not the suspect vehicle was to be stopped at this time. Very shortly thereafter, an order was given via the car radio to stop the vehicle, however, I do not know who authorized the stop.

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Immediately after a stop of the vehicle was authorized, I noted the lead FBI vehicle had its emergency tail strobes on to effect the traffic stop. At approximately the same time, I turned on my emergency lighting system which consisted of a visor light containing red and blue alternating strobes located on the passenger side visor, wig-wag headlight beams which alternated right and left, and taillights that strobe. As the second FBI vehicle, I did not turn on my siren, nor could I tell from behind whether or not the lead FBI vehicle had its siren operating.

Once the emergency lighting systems on both vehicles were engaged, the subject vehicle made a right turn against the light onto Maryland Route 173 and began to accelerate. Based on communications between my vehicle and the lead vehicle via the car radio, all agents in pursuit of the suspect vehicle believed the subjects were attempting to evade the stop. The driver of the lead vehicle, later determined to be SA Kornek, positioned his vehicle along the left side of the suspect vehicle. I positioned my vehicle behind and slightly to the left of the suspect vehicle. SA Kornek then attempted to force the suspect vehicle off to the side of the road in order to effect the felony traffic stop.

The vehicle was successfully forced to the side of the road and brought to a stop without making any physical contact with it. The location of the stop was Route 173 (Fort Smallwood Road) near its intersection with Marley Neck Blvd. Immediately after the stop was made, I observed SA Stowe exit from the front passenger side of the lead vehicle and move to the front of the subject vehicle with his MP-5 pointed at the occupants of the vehicle. Once I stopped my vehicle, I also observed SA Braga exit from the passenger side of my vehicle with his M-4. I ensured my vehicle was safely stopped by placing the transmission in "Park" and engaging the emergency brake. Then I began to exit the vehicle through the driver's side door with my M-4. As I turned momentarily to my left to get out of car, I heard SA Braga identify himself as the FBI and SA Stowe identifying himself as the police.

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Both agents were yelling at the vehicle's occupants to show their hands. I could clearly distinguish between the agent's voices, as SA Stowe is from North Carolina, and SA Braga is from Boston.

While I am turned momentarily to my left to exit my vehicle, I hear what I perceive to be the sound of a rifle shot. I estimate the time between my stopping the vehicle and hearing the gunshot was between three and five seconds. I suspected the shot was taken by one of the agents because I knew they were carrying shoulder weapons. Upon exiting my vehicle, I saw SA Kornek on the driver's side of the suspect vehicle, SA Stowe to the front right of the passenger side of the suspect vehicle at about a 45-degree angle from the front bumper, and SA Braga either parallel to, or slightly behind, the passenger door of the suspect vehicle. Both SAs Stowe and Braga had their shoulder weapons in positions covering the occupants of the suspect vehicle.

I noted blood in the suspect vehicle, and observed the white male subject inside moving around and screaming. I had an excellent, unobstructed view of everything in front of me, as my car was parked to the rear of both vehicles. The sun was beginning to set, however, there remained more than adequate natural lighting to see clearly. As I came out of my vehicle I rounded my driver's door and stood at a slight angle to the left rear of the subject vehicle looking over the front of my vehicle's hood.

After realizing that the subject was injured, I moved to the front of my car, between it and the subject vehicle, and instructed SA Kornek to call 911 to request the dispatch of a medic unit to the scene. I then told SA Braga to get the subject out of the vehicle and cuff him. I then returned to my vehicle, proceeded to make my M-4 safe, and stowed it in the foot well of the front passenger seat of my bureau vehicle. I retrieved one of my medical bags, and as I turned to face the subject vehicle, noticed SA Braga cuffing the subject and laying him on ground on his back and left side. I then approached the injured subject to assess his injuries and render care.

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QZG

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I asked SA Braga what had happened, in an attempt to determine what type injury the subject had sustained. SA Braga's response to me was "I shot him in the head". I did not ask any additional questions at that time, as I was concentrating on providing the subject with the best possible medical care.

Upon assessing the injured subject, I discovered he had a gunshot wound to the [REDACTED]. I determined the subject was capable of breathing on his own, and was coherent and talking. During the course of my care of the injured subject, I asked him his name, whereupon he advised his name was Joseph Schultz. I was later advised by one of the agents on the scene that the victim was indeed not identical to bank robbery subject, Michael J. Blottenberger. I do not recall which agent provided this information to me, as my focus was the treatment of the injured subject. Upon confirmation of the aforementioned fact, I instructed that the injured subject be uncuffed.

Sometime between 6:10 and 6:15 p.m., EMS arrived at the scene, however they were not advanced life support providers. I inquired whether a medic unit had been dispatched, and was advised that one was en route to the scene. My care of the subject continued for an additional two to three minutes, after which an Anne Arundel County Paramedic Unit arrived at the scene. I advised them of the patient's injuries and condition, and continued to provide care in association with the Anne Arundel County paramedics until the patient was ultimately transferred to the care of a Maryland State Police Helicopter Medivac Unit which transported him to the Maryland Shock Trauma Center.

After the patient was evacuated, I asked SA Braga about what had transpired. He advised that the subject had not complied with SA Stowe's and his verbal commands to show his hands, and had instead reached toward his waist on several occasions. SA Braga said this action put him in fear for his life as well as that of SA Stowe.

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According to SA Braga, he could see that SA Stowe was directly in the subject's line of fire, as he (Stowe) was positioned in front of SA Braga. Therefore, SA Braga stated he shot the subject in an attempt to eliminate the threat.

Following this, I removed my body armor and shirt which were both stained with the patient's blood. I decontaminated myself to the best of my ability and joined SAs Kornek, Stowe and Braga, who were already seated in SA Hanburger's car. We all sat in the car as it was cold and there was a large media presence at the scene. Although we were not directed to do so, the four of us remained in the vehicle awaiting a determination as to whether or not the shooting team would interview us that night. During the time I sat in the car, we discussed the particulars of the shooting, all of which have been documented in my statement.

Once the Anne Arundel County Police Department had completed their crime scene work, I was able to retrieve my medical bag from the crime scene area. I cleaned the bag off and placed it with the remainder of my equipment...

A copy of the entire sworn statement of Agent Sheafe, along with the notes of this detective will be maintained within this case file.

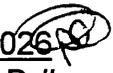
INTERVIEW OF SPECIAL AGENT STEPHEN P. STOWE

- SA Stowe was riding in the car driven by SA Kornek

On March 4th, 2002, at approximately 1530 hours, Special Agent Stephen P. Stowe was interviewed by Unit Chief Glenn T. Rogers and Detective Rob Cremen after agreeing to provide a voluntary statement reference this incident. Following is an excerpt, relevant to the surveillance detail and traffic stop, from his official voluntary sworn statement of which a copy of such was provided to this detective:

CASE STATUS: OPEN


Detective Debra E. Arduini 1004
Investigator I.D.#


Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
HOMICIDE UNIT

CONFIDENTIAL INVESTIGATIVE REPORT

<u>Offense / Incident</u> Shooting	<u>Victim / Business Name</u> Schultz, Joseph Charles	<u>Case Number</u> 2002-708878
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...Around 5:30 p.m. SA Kornek and I changed our location and started towards the area of the 7-11. SA Kornek and I parked down the street from the 7-11 in a church parking lot. From our position, we could not see the 7-11 parking lot. SA Braga and SA Sheafe were in an Italian restaurant parking lot located across from the 7-11.

SA Braga and SA Sheafe could only see a portion of the parking lot. SA Braga and I were using our Nextel Direct-Connect phones to communicate. When a vehicle came into the lot and SA Braga could not see the occupants, SA Braga would reach us via the Nextel Direct-Connect and SA Kornek and I would drive up to an area where we could observe the questioned vehicle. At this time the radio communications were getting worse and I was not hearing all the radio transmissions.

Between 5:50 and 6:00 p.m., SA Braga or SA Sheafe contacted me on the Nextel Direct-Connect and said a red car had just pulled into the 7-11 parking lot and that a white male, wearing a white baseball cap, matching the general description of the suspect had just gotten out of the passenger side and went inside the 7-11. I called SA Braga and SA Sheafe on the Nextel Direct-Connect if they could see the driver of the red car. SA Braga called me on the Nextel Direct-Connect and said that they could not see the driver.

I contacted SA Hanburger on the radio to see if he wanted me to make a drive-by and attempt to see the driver. SA Hanburger said okay. As we were going to check, SA Braga or SA Sheafe contacted me on the Nextel Direct-Connect and said the male returned to the red car and the car was leaving. As we got to the 7-11, I saw the red car and I clearly saw that a white female with red hair was the driver of the red car as the car passed directly in front of our car. I notified the team via bureau radio that the white female driver had red hair. SA Kornek and I started following the red car. It was at this time that I felt positive the suspect we were looking for was the passenger in the red car.

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Somebody broadcasted over the bureau radio that the suspect was currently in a red car. I don't know who transmitted this information. I notified the team via Bureau radio I had the car in sight and that we were just behind the suspect vehicle and we were traveling north on Marley Neck. I radioed that the suspect vehicle was not traveling very fast.

SA Sheafe and SA Braga contacted me on the Nextel Direct-Connect and told me they were attempting to catch up to us. I contacted SA Hanburger on the Bureau radio to see if he was close. SA Hanburger said he was behind some other agents and was attempting to catch up. I saw that we were rapidly approaching a red light and was told by SA Braga that they were right behind us. I radioed to SA Hanburger on the bureau radio and asked him if he wanted us to stop the vehicle. SA Hanburger radioed back that we could go ahead and stop the suspect vehicle.

I told SA Kornek to turn on the emergency lights and hit the siren. The car was equipped with wigwags and a visor strobe which were activated by SA Kornek. SA Kornek gave the siren several short blasts. At this time the suspect vehicle turned right on red and accelerated rapidly and I thought they were trying to get away. I heard SA Braga or SA Sheafe call out on the radio or Nextel that the suspects were trying to get away. At this time it was still light outside, turning to dusk. I made eye contact with the female driver and I motioned her to pull over. I only motioned the driver to pull over by making hand gestures through my closed window. I was not wearing any visible insignias the driver could have seen while I was in the car. The female then pulled off the road on to the shoulder. I told SA Kornek to stop in front of the suspect car. Our car stopped and we were just ahead of the suspect car on the driver's side. I jumped out of the passenger side moving rapidly around the front of the suspect car and going to the passenger side of the suspect vehicle. I could not recall if the occupants were wearing their seat belts.

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I was wearing my soft body armor, and was not wearing a raid jacket. I did have my FBI badge affixed on the right side of my belt and believe the badge was visible. I was armed with my MP5 and I was focused first on the female. Then I directed my attention to the male passenger, because he was my most serious threat. I was shouting, "Police! Police! Show me your hands!" from the time I got out of our car to the time I moved around to the passenger side. I never saw either person in the vehicle raise their hands.

I got to the passenger side door and tried opening it utilizing my left hand, but the door was locked. At the time I was attempting to open the door, SA Braga was next to me, yelling "show me your hands". SA Braga arrived to the passenger door a few seconds after me. I took a step to the right and made eye contact with the driver, through the passenger side window. The reason I turned my attention to the driver was because, I did not want the passenger to make any sudden moves. I also knew that Braga was in position to cover the passenger. I felt the driver was in a better position to unlock the doors. I yelled for her to unlock the door. I saw the driver's left hand move towards the door. As I was yelling again to the driver to unlock the door, the passenger window exploded. I saw the passenger move over to the left and his face was covered with glass and blood. The passenger was screaming. I looked at SA Braga and asked him if he knocked out the window. SA Braga did not respond.

A short time later it occurred to me that SA Braga had shot out the window. From the time I exited my vehicle and to the time SA Braga discharged his shoulder weapon, only about five seconds had elapsed. I initially thought the passenger was hit by glass and that he was not shot. Immediately following the shooting, SA Braga opened the passenger door and pulled out the passenger putting him face down on the ground and placing him in handcuffs. I never observed any threat that would have caused for me personally to shoot my weapon. I did not see the passenger make any movements prior to being shot, but at the time the window exploded I was watching the driver.

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Sheafe instructed Kornek to call 911. Sheafe came over to the passenger and began attending to the passenger's injury. Sheafe instructed us to uncuff him. Sheafe asked the passenger several medical questions, making sure that he was able to breathe. Braga was assisting Sheafe with the passenger in rendering first aid.

Based on my experience, I instructed the persons involved in the incident that we should not discuss this matter at this time and to only provide our names and badge numbers to the local authorities. Immediately after the shooting, I looked into the passenger side of the car looking for a possible weapon. The only thing I saw was some rolled up clothing on the floor. No other search of the car was made by me. The ambulance arrived on the scene and Sheafe determined that the attendants were not paramedics and since they had less training than him, they needed to call for a Medivac helicopter...

A copy of the entire sworn statement of Agent Stowe, along with the notes of Detective Cremen will be maintained within this case file.

INTERVIEW OF SPECIAL AGENT DONALD E. KORNEK

- SA Kornek was driving the car in which SA Stowe was riding

On March 2nd, 2002, Special Agent Donald E. Kornek was interviewed by Supervisory Special Agent Vicki Ann Mueller and Detective Sean Grant after agreeing to provide a voluntary statement reference this incident. Following is an excerpt, relevant to the surveillance detail and traffic stop, from his official voluntary sworn statement of which a copy of such was provided to this detective:

...We were given a copy of a photograph of the subject, Michael Blottenberger, which included a physical description and the type of vehicle he was known to drive.

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Sgt. David D. Waltemeyer, Jr. 1026
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A/SSRA Karandy verbally read the Operations Order, and SA Hanburger read aloud the Complaint Affidavit. Placed in the center of the table were copies of the handouts described, and the Operations Order, an NCIC report on Blottenberger, copies of the affidavit and arrest warrant. I did not personally read the NCIC printout or the other materials. I reviewed the handout and put it into my pocket.

A/SSRA Karandy and SA Hanburger verbally advised the group that the subject was Armed and Dangerous (A&D), a drug user, suicidal and had told the CW that he would not go back to jail. The subject knew he was wanted for bank robbery. The plan called for the arresting Agents to meet in the vicinity of Route 2 and 695/Richie Highway, where the CW would be possibly meeting the subject [REDACTED] and [REDACTED]. It was explained the CW intended to [REDACTED] go to the bank and cash his paycheck, and to meet with the subject to give him money and clothing because the subject was going out of the area. The exact location was unknown. The initial plan called for the arrest to be somewhere in the vicinity of the Days Inn after the CW met with the subject. [REDACTED]

[REDACTED]. Everyone present was dressed in street clothes. I wore a Salt Lake Olympic's baseball cap, my issued soft body armor under a black polar fleece jacket and over my button-down shirt, a pair of jeans, at my waist were a holstered handgun, two magazine pouches, handcuffs, and my FBI badge, next to my exposed handgun.

I left the briefing and paired up with SA Stowe. I drove in my Bureau vehicle, a Crown Victoria, while SA Stowe sat in the passenger seat. SAs Braga and Sheafe drove together in their Bureau vehicle. We then traveled with other Annapolis Agents to the designated area and awaited updated information from SA Larry Brosnan. SA Stowe and I parked in the vicinity of the Days Inn. SAs Braga and Sheafe called out over their Nextel that they positioned their car in the area across the street from myself and SA Stowe. SA Sheafe was driving his assigned Bureau vehicle.

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Detective Debra E. Arduini 1004
Investigator I.D.#

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We immediately began to have radio problems. It was difficult to hear everyone. We changed the radio channels several times in an attempt to hear SA Brosnan transmit information. SA Brosnan's radio transmissions were broken. SA Hanburger advised that he would position himself in his car between the area of SA Brosnan and the rest of the arrest team in the vicinity of the Days Inn.

From this position, he would relay communication between SA Brosnan and the arrest team. At one point I heard discussion over the radio that someone had lost a secure code and we might have to transmit in the clear. SA Stowe switched to his Nextel phone to communicate because of the problems with communicating over the Bureau radio. Around 4:45 P.M., either SA Brosnan or SA Hanburger advised by Nextel or the radio that they were not sure where the CW was meeting the subject, and the arrest might also involve a surveillance. At 5:00 P.M., SA Brown advised he needed to leave due to personal business. SA Stowe and I switched my assigned Crown Victoria for his gold Impala, believing that if the events evolved into a surveillance the Impala was the better vehicle to drive.

At 5:00 P.M., we were told that the [REDACTED] meeting the subject at a 7-11 store located off of Route 648. We headed toward that location. The CW had been identified as driving a [REDACTED] with gold trim, license [REDACTED]. The subject was supposed to be coming to the location, driven by a white, female with red hair. The subject would be wearing a white baseball cap. Information regarding the make and model of the car was unknown. This information was relayed from SA Brosnan and SA Hanburger via their Nextels and broken Bureau radio transmissions. SA Hanburger also advised that SA Brosnan and the CW were communicating through their cell phones and that the CW was enroute to the 7-11 to meet the subject.

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Detective Debra E. Arduini 1004
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ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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SA Stowe and I parked our vehicle in a church parking lot located off Route 648 and west of the 7-11 Store. SA Brosnan advised over the radio that the CW was at the 7-11 store, and was waiting to meet the subject. SAs Braga and Sheafe advised they had observed a red Grand AM, driven by a female, pull up and park next to the CW's truck now parked in front of the 7-11 store. SA Braga called out over the radio, a white male wearing a white baseball cap and sitting in the passenger seat had exited the car and gone into the 7-11 store. I recall they radioed the fact they were unable to see from their location if anyone else was in the car.

SA Stowe radioed SAs Braga and Sheafe and asked if they wanted us to drive through the parking lot for a closer look at the occupants of the car. As we began to move in the direction of the 7-11 store, I heard on the radio that the subject was in a "red car." I do not know who stated this information. I observed a red car and its occupants exiting the west entrance/exit of the 7-11 parking lot. This vehicle was driven by what appeared to be a red-haired, white female. The passenger was a white male wearing a white baseball cap. I don't know who called out over the radio, but I heard instructions to "Follow the red car...don't loose it."

We followed directly behind the red car traveling northbound on Marley Neck Blvd. at a rate of approximately fifty miles per hour. SA Stowe called out our location over the Bureau radio and Nextel while I drove. I heard others speaking on the radio and advising of their locations along the road. I heard someone, but I don't know who, say, "The subject left the 7-11 in a red car." We followed the red car for several miles. I observed a traffic sign indicating a traffic light was ahead. I told SA Stowe we were approaching a traffic light and a possible intersection.

When we rounded a bend in the road, I observed a red traffic light. I asked SA Stowe to relay that we were going to be "red balled" at the traffic light.

CASE STATUS: OPEN


Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026 
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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SA Stowe relayed this over the radio and sought guidance regarding whether we should continue to follow the red car or stop the car. SA Stowe radioed the request for guidance. After a brief pause, SA Hanburger radioed a response, "Take them down."

The subject was stopped at the red light, with brake lights on. I pulled up behind the subject's car, dropped the red and blue visor light into the down position, turned on the emergency lights. When I turned on the emergency lights and reached for the siren, the driver appeared to respond by releasing the car brakes, as indicated by the brake lights turning off, and turning right on the red traffic light. I don't recall if I actually sounded the siren. I believed at that time, the subject's car driver was intending to run.

I then turned right and through the red light at the corner, while trying to pull up along the side of the subject's car. The red car was accelerating out of the right turn, so I did the same. SA Stowe was motioning and yelling for the driver of the red car to pull over. I recalled SA Stowe was yelling "Police. Pull over." over and over again. I do not recall whether our car window was opened or closed at the time. The subject's car continued to speed up and I eased my car over forcing the vehicle to the side of the road. The subject's car eventually stopped. I also stopped next to the subject's car, placed my car in the park mode, shut off the engine, opened the door, grabbed my MP 5, and ran behind my car and over to the red vehicle's driver's side door. I did not know what actions SA Stowe took at the time he exited the car. I do not recall how he ended up at the passenger's door.

I attempted to open the driver's door and found it locked. I pounded with my fist on the driver's window, and I called out, "FBI...Open the door." I heard several Agents on the passenger's side and yelling, "Show me your hands." I don't know who was yelling because I did not look up and away from the female driver. I was looking at and concentrating on the female driver, trying to verbally direct her to open the door and come out of the car when I heard a "pop" sound. I don't know exactly how many seconds transpired between my leaving my car and the sound.

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 102610
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ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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The female screamed and opened her door. As she exited the door, I pushed her in the middle of her back, with the palm of my hand, down on the ground. I instructed her to put her hands above her head. I looked up and saw SA Sheafe. SA Sheafe called out to me and instructed me to dial 911 on my Nextel. I dialed 911 on my Nextel and advised the operator of the emergency situation, and of the fact that I needed EMS. SA Sheafe was providing medical treatment to the male passenger as I spoke to the 911 operator. She asked what was the nature of the injuries. I was unable to answer because I did not know what had happened to the passenger. I did not know if he had been injured by the car glass shattering.

I thought the Agents may have broken the window and pulled him out of the car. She agreed to send an ambulance. While I was still on the phone with the 911 operator, Detective Eric Hodge, Anne Arundel County Police Department, handcuffed the female on the ground. The rest of the arrest team members arrived on the scene, but I don't recall when they arrived. I saw the lights and heard the siren sounding from SAs Braga and Sheafe's car. At the time of the incident it was daylight. I had no question in my mind that the person on the ground was the subject, Blottenberger.

A short time later an ambulance arrived. I continued to attend to the female who was crying hysterically. She remained handcuffed and standing near the trunk of the red car. I tried verbally to calm her down. Detective Hodge took control of the female and removed her from the scene while she remained handcuffed. I returned to my Bureau vehicle and unloaded my MP-5 and secured it in the car. There was a medivac called in for the subject. It was at that time I learned from someone, possibly SA Stowe, that the male passenger in the red car was not Blottenberger.

SAs Stowe, Braga, Sheafe and I went into SA Hanburger's car. We went to the car because it was cold and a female Detective started to ask us questions about what had happened. We each told her who we were and where we were from.

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026 
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ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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SA Stowe said that we did not want to be rude, but we wanted to wait until our leadership came on the scene. She said she understood and walked away. A short time later Acting/ASAC (A/ASAC) George Layton arrived on the scene.

Someone in the car called out his name. I do not recall who called out. He approached the car and asked if everyone was "OK." He then entered the vehicle, and sat in the driver's seat behind the steering wheel. SA Stowe sat in the front passenger seat. I and SAs Braga and Sheafe sat in the back seat of the car. SA Braga sat immediately behind A/ASAC Layton. I was in the middle seat. SA Sheafe sat behind SA Stowe.

A/ASAC Layton stated he wanted to hear from one person what had happened. He looked at SA Stowe and asked him to relate the events. To the best of my recollection he proceeded to outline what had happened. I do not recall verbatim what was related by SA Stowe to A/ASAC Layton. I know what I heard was substantially consistent with my own recollection of the events which had transpired. SA Stowe told A/ASAC Layton that "Chris" (SA Braga) had fired a shot, and the male passenger had been shot.

I remember while sitting in the car, SA Braga was very sad. I recall telling the occupants of the car that I had just returned from the Salt Lake City Olympic Games on Monday, and was supposed to pick-up my dog that weekend from my parents' home in New Jersey and take Annual Leave (AL) on Friday. I noted that my wife was really going to be upset, and that I was not going anywhere that weekend. The Agents laughed in response the story... (NOTE: Local television media aired scene footage of the agents sitting in Agent Hanburger's Ford Crown Victoria, laughing. Efforts are being made through the Public Information Office to obtain such footage for this case file).

CASE STATUS: OPEN


Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.# 

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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The agent also provided two copied roadmaps of the area of the traffic stop and the area of the 7-11 surveillance denoting on each where both F.B.I. cars were in reference to the Pontiac prior to the stop. A copy of the entire sworn statement of Agent Stowe, along with the two diagrams will be maintained within this case file.

INTERVIEW OF SPECIAL AGENT HENRY F. HANBURGER

On Monday, March 4th, 2002, Special Agent Henry F. Hanburger provided the following voluntary sworn statement to Supervisory Special Agents Josue' M. Martinez and Michael Kaste:

...The FBI communications frequency would be repeater channel F-3, which covers the southern portion of the ARA territory. The alternate communications medium was to be Nextel cellular telephones. No alternate Bureau radio frequency was designated. This situation on the street could be expected to be dynamic and fluid and it was uncertain whether Blottenberger would meet with the Source. I described the behavior of the bank robber in the bank, which included waving a gun and using profanity, and told the team that he should be considered armed and dangerous (based upon use of the handgun during the commission of the bank robbery).

The possibility of a stationary vehicle arrest was addressed during the briefing. The plan was: In the event a positive identification was made of Blottenberger, the team would come in, block his vehicle, and effect the arrest. Specific duties of arrest team members were not made due to the uncertainty of the situation. No specific positive identification signal, on the part of the Source or an Agent, was established. No person, including the Source, was designated with the responsibility of positively identifying Blottenberger. Protocol regarding positive identification of Blottenberger was not addressed. Although I did not brief this detail, I expected SA Brosnan would make the positive identification of Blottenberger and call it out to the arrest team.

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
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ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
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I then asked if there were any questions. Someone asked the location of the Days Inn in relation to the Motor Vehicle Administration building. I answered the question and told the group that I needed logical surveillance points covered including north and south of the meet location on both sides of the divided highway. I advised that AACP detectives would be at this location providing assistance in the operation.

Someone asked the description of Blottenberger's vehicle. I responded that it was unknown. Another person asked whether he was still armed. I responded that we did not know but that he should be considered armed and dangerous due to the nature of the crime charged.

Although there was no formal designation, I assumed the role of team leader since I work VCMO matters and there was no one else in a position to be the coordinator. SA Karandy was present in his role of Principal Relief Supervisor, since the ARA supervisor was on leave. I was comfortable with the personnel on the arrest team and felt the situation was well in hand. At approximately 3:15 p.m., the briefing was completed and most of the personnel departed for the Days Inn area.

I grabbed additional copies of the "Xerox" pictures of Blottenberger, called AACP Detective Eric Hodge and advised him we were en route to the operational meeting location where we would rendezvous with him. SA Stowe volunteered to position the arrest team personnel at the meeting location.

En route to the meeting location, I realized that repeater frequency channel F-3 would not work and started calling out to the group to switch to the main ARA repeater channel F-1. We then determined that channel F-1 would not work either and resorted to simplex channel D-4 once everyone arrived at the meeting location. One of the Agent's radio dropped its privacy code and everyone switched to the clear mode. Everyone had a Nextel cellular telephone with the exception of the AACP detectives who had another type of cellular telephone.

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Investigator I.D.#

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Supervisor I.D.#

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A Nextel group was not established for the arrest team, however I had direct connect capability of all Agents on the arrest team. A communications check was effectively made of all personnel at the meeting location, including the AACP detectives. I used a handheld AACP radio in my vehicle to communicate with the detectives. (NOTE: Agent Hanburger was the only F.B.I. agent carrying or using an Anne Arundel County Police radio during this detail).

The group was having a difficult time communicating with SA Brosnan on channel D-4 since he was in the Curtis Bay area approximately 10 miles away. At the time, SA Brosnan was covering the Source in anticipation of the meeting with Blottenberger. There was a hill between SA Brosnan and the arrest team, so SA Mones and I traveled separately towards SA Brosnan's location in order to better be able to communicate with him. SA Mones actually traveled to SA Brosnan's location.

I learned from SA Brosnan and relayed to the team that the meeting would likely take place in the vicinity of the Sun Valley Shopping Center, Highway 648 and Mountain Road. No specific time was provided for the meeting. At the time, I was alone in my vehicle, alongside of AACP Detectives Eric Hodge and Scott Gall, who were in an unmarked AACP vehicle. I directed SAs Braga and Sheafe to go to the Sun Valley Shopping Center to get familiarized with the area. Detectives Hodge, Gall, and SA Beaton also relocated to the shopping center. There were ongoing communication updates between SAs Brosnan, Karandy, the rest of the team and myself.

SA Brosnan advised the Source had made contact [REDACTED] (the times of the contacts were not stated) with Blottenberger and reported that the likely meeting site had been changed to a 7-11 store on Route 648, with no meeting time established. Blottenberger was to be in a car driven by a red haired, Caucasian female (no further description).

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The Source was planning to meet [REDACTED] at the intersection of 8th Avenue and Crain Avenue, Glen Burnie, for the purpose of picking [REDACTED] money. Subsequently, the Source would [REDACTED] [REDACTED]. I communicated this information to the rest of the team.

At approximately 5:15 – 5:30 p.m., SA Brosnan reported that the Source had started driving from the Curtis Bay area to meet his “boss” and was planning to then meet with Blottenberger at the 7-11. SA Mones, who was riding with SA Brosnan, provided a further descriptor of the [REDACTED] and a description of the clothes worn by the Source (all black clothing and white baseball cap) which I relayed to the rest of the team. (During this general time frame, I received the following basic description of the Source which I relayed to the team by FBI radio: White male, mid-20s, 5’8” – 5’9” in height.

I was talking to the AACP detectives, who were parked next to me at the time, and they heard the description.) SA Brosnan reported that he was surveilling the Source’s [REDACTED] and that the Source was [REDACTED] at the 7-11 on Route 648, at the intersection of Marley Neck Boulevard in the vicinity of Glen Burnie. (NOTE: Agent Hanburger is the only agent that mentions that the “Source” was to be wearing a white baseball cap, all other agents refer to the possibility that Blottenberger would be wearing a white baseball cap).

At approximately 5:30 p.m., I positioned myself behind SA Brosnan’s vehicle in the moving surveillance and observed the Source park adjacent to a current model, dark, sports car, driven by an unknown Caucasian male, for approximately 2-3 minutes. This was in the vicinity of the Chesapeake Square Shopping Center. It appeared that the unknown male was the “boss” which had been reported earlier. Neither driver got out and SA Brosnan maintained the primary observation point on the meeting. I kept my distance since my assigned FBI vehicle, a Ford Crown Victoria, resembled a police vehicle.

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Following the brief meeting, the Source departed the area [REDACTED] with SA Brosnan following him. I took an alternate, quicker route to Highway 648 where the 7-11 store was located. Shortly thereafter, at approximately 5:45-5:50 p.m., I parked on Highway 648 and observed the Source drive by my location. I looked for but did not see any suspicious vehicles following him. I positioned my vehicle behind the Source's [REDACTED], which was moving in the direction of the 7-11.

At approximately 5:40-5:45 p.m., we arrived in the vicinity of the 7-11. I did not observe the Source park his [REDACTED] at the 7-11 as I was visually checking to ensure that adequate surveillance coverage of the 7-11 was being afforded by Agents. I observed SAs Sheafe and Braga in Sheafe's FBI vehicle, a white Buick. They acknowledged that they could see the [REDACTED]. Based on their comment, I understood that the [REDACTED] was at the 7-11.

I observed SA Beaton alone in her FBI vehicle, a white Pontiac Grand Prix, in the immediate vicinity of the 7-11. I did not look for the [REDACTED] and did not see SA Brosnan's vehicle, a silver Taurus. I then parked approximately 1/4 mile south of the 7-11. I subsequently saw SA Brosnan drive by my location accompanied by SA Mones. I was aware that SAs Stowe and Kornek were riding together in Kornek's FBI vehicle (unable to recall description) and that Detectives Gall and Hodge were together in an unmarked AACP vehicle, a blue Ford Mustang. There were no marked vehicles participating in the operation.

For communication, I had my Nextel cellular telephone, an AACP handheld radio (trunked system), and a FBI radio set on simplex frequency channel D-4. I directed the arrest team to keep radio communications to a minimum and the team was complying. During the entire operation, we experienced significant communications problems on the FBI radio characterized by transmissions apparently not being received and team members not always receiving acknowledgment of their transmissions. It was unusual for so many transmissions not to be acknowledged.

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Minutes after setting up the surveillance at the 7-11, at approximately 5:40-5:45 p.m., someone (I cannot remember who) called out on the radio that a small, red car, driven by a female (no further description) was parked next to the [REDACTED] at the 7-11. An Agent (I cannot remember who) broadcast that there was a "white" passenger in the vehicle as well. An Agent (I cannot remember who) subsequently broadcast that a male was coming out of the 7-11 and entering the small, red car. I cannot remember if a description of this male was provided. I cannot remember whether anyone reported observing the Source at anytime at the 7-11. I do not remember any mention of a baseball cap. At approximately this time, I saw SAs Brosnan and Mones driving past me. SA Brosnan reported by radio that he was in contact with the Source by cellular telephone. As this was during rush hour, traffic at the 7-11 location was heavy and most, if not all, moving traffic had their lights on since it was getting dark.

Shortly thereafter, someone (I believe it was SA Stowe) broadcast that the red car was moving and that he had seen a female driver with what appeared to be reddish hair. I was under the impression that this Agent was referring to the small red car, driven by the Caucasian female, accompanied by the male passenger, which had been parked next to the [REDACTED] at the 7-11. At this point, I maneuvered on to Highway 648 northbound. I believe I then heard SA Brosnan broadcast over the FBI radio to the team, "That's the car." SA Brosnan did not report any positive contact with the Source nor did I receive any positive confirmation that Blottenberger had been at the 7-11. However, there was no question in my mind that Blottenberger was probably in the red car which had been parked adjacent to the [REDACTED] at the 7-11; that this vehicle was now moving on Highway 648 northbound; and that it needed to be followed. This conclusion was based on the following: The Source had reported that Blottenberger would be at the 7-11, in a vehicle, with a female with red hair; a vehicle was observed driven by a female parked next to the [REDACTED] at the 7-11; and the white male got into the passenger side of this vehicle. I do not remember anyone saying that the white male had a ball cap on.

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SA Stowe broadcast that the car was exiting the parking and was turning right on Marley Neck (Boulevard). I asked for clarification on the direction of travel (north on Highway 648 or east on Marley Neck Boulevard) and SA Stowe responded that the car was traveling east on Marley Neck Boulevard. I then made a "u-turn" on Highway 648 since I had already passed the Marley Neck intersection; activated my emergency equipment (headlight wigwags", strobe tail lights, red/blue visor lights, and siren); negotiated the red intersection light, and turned on to Marley Neck Boulevard. I turned on my emergency equipment because I knew that I needed to exceed the speed limit in order to catch up to the red car since I was significantly behind the law enforcement convoy.

SA Stowe continued broadcasting various reference points including calling out a marked police patrol car which had made a traffic stop on Marley Neck Boulevard. I subsequently came up on SA Beaton's vehicle, which was behind SA Brosnan's vehicle. Neither vehicle was broadcasting any radio traffic. I still had my emergency equipment activated.

SA Stowe broadcast on the FBI radio that they were approaching a red light at the intersection of Marley Neck Boulevard and Ft. Smallwood. At this point, I estimate that SA Stowe was approximately $\frac{1}{2}$ - $\frac{3}{4}$ mile in front of my location. SA Stowe then broadcast on the FBI radio, "They are at the red light. Do you want us to initiate a vehicle stop?" I paused, waiting for SA Brosnan to respond. (I cannot remember SA Brosnan making any radio transmissions after the departure from the 7-11.) When he did not, I answered, "yes, go ahead if you think you can." I was firmly of the belief that Blottenberger was in the red vehicle to which SA Stowe was referring. At approximately this point, I passed SAs Beaton and Brosnan who did not have their emergency lights or sirens on. I still had my emergency equipment on. I do not know whether the Agents in front of SAs Beaton and Brosnan had their emergency lights and sirens on.

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SA Braga then broadcast, "He's booking." I interpreted this comment to mean that Blottenberger was on foot and running from his vehicle. I slowed down and started looking into the woods adjacent to the highway. At approximately 6:08-6:10 p.m., I arrived to the intersection of Marley Neck Boulevard and Ft. Smallwood, looked to the right on Ft. Smallwood, and saw Sheafe and Kornek's vehicles stationary on the side of the road. Both vehicles had their emergency lights on. I do not remember what type of lights specifically. I do not recall whether their sirens were on. At least one siren was on but it could have been my own because once I was able to turn my off, I did not hear any more siren noise. A red, Pontiac Grand Am, in "good shape", was parked in front of the two FBI vehicles. It had a distinctive red and orange steering wheel cover. The passenger side window was broken. I do not recall seeing anything else which caught my attention in the interior of the vehicle or whether the radio was on in this vehicle.

Upon arriving at the scene, I do not remember whether any Agents had their weapons drawn. I saw a female "proned out" (hands and arms extended) on the ground adjacent to the driver's door with SA Kornek controlling her (He was standing approximately three feet from her right side looking over her.). She was silent and appeared frightened.

I saw a male laying on his back in the grassy area adjacent to the car and SA Sheafe, who had his back towards me, attending and talking to him. The male had blood on his face and when SA Sheafe asked him his name, he responded, "(something) Shultz." He complained of not being able to breathe through his nose. SA Sheafe told him that it was because he had blood in his nose and advised him to breathe through his mouth. I was unaware that a shot had been fired.

I then saw SA Braga securing his M-4 (rendering it safe) and placing it in SA Sheafe's vehicle. I walked back to my vehicle and one of the detectives asked me whether I wanted them to "start" an ambulance. SA Sheafe and I both told him "yes." Detective Hodge called the AACP and requested an ambulance.

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A determination was made that the male in the grassy area was not Blottenberger. This was based on the male stating that his name was Shultz and SA Brosnan observing him. Within moments, Detectives Hodge and Gall, SAs Brosnan, Mones, Karandy, Beaton, and German arrived on the scene.

SA Braga was wearing light colored Royal Robbins cargo pants and a blue North Face jacket. SA Stowe was wearing an unknown color, North Face jacket. SA Sheafe was wearing a black and green North Face jacket and had purple medical gloves on his hands. I do not remember what SA Kornek was wearing. I do not remember if any of the four Agents had distinctive FBI insignia displayed. I was wearing dress trousers/shirt and tie with a tan colored FBI protective vest over the clothing.

Shortly thereafter, uniformed officers arrived on the scene. The scene was secured with police tape and someone called the main Baltimore FBI office. I do not know whether there non-FBI witnesses to the car stop. There was no contact during the operation with the FBI dispatcher and I am unaware whether anyone was keeping a log. Prior to the operation, there was no discussion of using the Special Operations Group (SOG) and I do not know whether an SOG request was submitted... (NOTE: This detective has requested any and all F.B.I. dispatch or transmission recordings and written dispatch or transmission logs. Should such be obtained, any new information gleaned will be documented in a supplement report and such items will be maintained within this case file). A copy of the entire sworn statement of Agent Hanburger will be maintained within this case file.

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INVESTIGATION (Monday, March 4th, 2002)

- Continued Investigation
- Researching Internet lead posted to police department website
- Efforts to interview Special Agent Christopher Braga

On March 4th, 2002, at approximately 1048 hours, this detective received a page from Special Agent Joe O'Hara, my point of contact at the F.B.I. At approximately 1100 hours, I returned his page and he informed me that he would have the aforementioned typed statements (of those interviews which had already been completed by that date) ready for me later that afternoon, at approximately 1330 hours. I told him that I would retrieve them when I arrived at F.B.I. Baltimore later that day.

At approximately 1130 hours, this detective and Sergeant Waltemeyer⁵³ arrived at the office of Deputy State's Attorney Gerald K. Anders⁵⁴. We discussed the investigation and agreed on an investigative course of action and what items still needed to be obtained from the F.B.I. During our meeting, Captain T. Rzepkowski⁵⁵, Lieutenant J. Bisesi⁵⁶ and State's Attorney Frank Weathersbee⁵⁷ entered the meeting and participated in same.

At 1240 hours, this detective telephoned Agent O'Hara to determine if the statements were ready yet, however, they were not yet ready, according to him. He said that he would page this detective when the statements were complete (they were being reviewed by Agent McCabe of the Shooting Incident Review Team).

At 1330 hours, Lieutenant T. Walker⁵⁸ of the Management Information Systems Unit telephoned this detective and informed me that, on March 2nd, 2002, at approximately 1209 hours, the police department's website (aacopd.org) had received an anonymous message from the "report suspicious activity" page of the website. The message was as follows:

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I saw a fbi agent shoot my friend in the face because he looked like a bank robber.

In light of such, the lieutenant checked the website's "stat" page and downloaded a log of all the IP addresses of visitors to the website during the month of March 2002. He determined that on March 2nd, 2002, at 12:08:21 a visitor from "cache-dg03.proxy.aol.com" visited the "reportsuspicious.htm" page and made the aforementioned submission.

Detective R. Reyes⁵⁹ of the Computer Crimes Unit further researched this submission at the request of this detective and determined that the actual IP address of the sender was 205.188.197.37 (through America Online) and the message went through that IP on March 2nd, 2002, at 12:09:52 hours (EST). In light of such, a Subpoena Duces Tecum was completed requesting the user and account billing information related to such. On March 8th, 2002, such was signed by Deputy State's Attorney Gerald K. Anders and this detective sent such subpoena and a cover letter, via facsimile machine, to the America Online Legal Compliance and Investigations department. Later that day, this detective received a facsimile indicating that the Internet message was sent from the account of Salena Donohoe⁶⁰, 7726 West Shore Road, Pasadena, Maryland 21122.

At approximately 1337 hours, this detective contacted Lieutenant Walker and asked, per Sergeant Waltemeyer, that he write a supplement report in reference to such incident. At approximately 1349 hours, this detective telephoned the Harkum home and spoke to Kristen's mother, then father, asking to re-interview their daughter. They said that they would prefer to wait until they received counsel.

At approximately 1630 hours, this detective along with Sergeant Waltemeyer, Detectives Cremen, Hodge and Grant met with Ken McCabe of the Shooting Incident Review Team at F.B.I. Baltimore.

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Detective Hasenpusch also soon arrived at that location and we all began to review the typed statements of the interviews which we had participated in. Further interviews were completed as previously noted.

Also on March 4th, 2002, Sergeant D. Waltemeyer telephoned Special Agent Christopher Braga's attorney, Richard Swick (202-842-0300) and requested an opportunity to interview Agent Braga. Mr. Swick declined such, saying that his client would not be providing a statement at that time. Later in the investigation it was learned that Agent Braga had new representation, attorney Andrew C. White (410-576-2200), therefore, Sergeant Waltemeyer telephoned that attorney, again requesting an interview of Agent Braga and, again, such was declined.

INVESTIGATION (Tuesday, March 5th, 2002)

- Initial efforts to interview victim
- Reviewing and obtaining statements of agents

On March 5th, 2002, at 0914 hours, this detective telephoned the attorney of victim Joseph Schultz, Joseph Asensio⁶¹, providing my name and contact numbers, asking that he contact me when his client was available for an interview. At 0929 hours, this detective then telephoned Ms. Harkum's father to arrange an interview. He said that he had not yet contacted an attorney and asked that I call him back.

At 1030 hours, this detective and Detective Grant returned to F.B.I. Baltimore to review and obtain the typed statements of Agents Sheafe and Kornek.

INVESTIGATION (Wednesday, March 6th, 2002)

- Efforts to re-interview Kristen Harkum

On March 6th, 2002, at 1030 hours, this detective spoke via telephone with attorney Rex Gordon⁶².

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He indicated that he was now representing Kristen Harkum and would be bringing her to the Criminal Investigation Division on March 7th, 2002, at 1000 hours.

INVESTIGATION (Thursday, March 7th, 2002)

- Second interview of Kristen Marie Harkum.

On March 7th, 2002, at 1006 hours, this detective and Detective H. Hasenpusch commenced an interview of Kristen Harkum, in the presence of her attorney, Rex Gordon. We spoke with her in the upstairs interview room after offering her food, drink or the use of the restroom. She declined all and the interview proceeded. This detective captured the interview by transcribing such onto a computer. At 1104 hours, this detective offered to Ms. Harkum that we could take a break, but she declined such. She told us that she had been prescribed Valium by her pediatrician since the incident and that she had last taken same at approximately 2300 hours on the day prior. We asked her to detail what happened when she was stopped by the F.B.I. on March 1st, 2002. She provided the following statement:

It was a red light and I made a right on red. I was able to pull right up. I turned right onto Fort Smallwood. I made the right hand turn in the merge lane. I looked over and there was a cream-colored regular car, usually undercover cars are nice. I didn't hear any sirens and I didn't see any lights. My car radio was on but not loud. The cream-colored car looked like an old hunk of junk.

The cream-colored car was over to my left side. Out of the corner of my eye, I noticed the cream-colored car. Then I looked directly at the cream-colored car. There was somebody beside me telling me to pull over. I saw they were saying pull over. They were motioning with their hands and I could see the gun at the same time. The gun was black, like an M-16. I couldn't really see the driver that much. I could only see the passenger at that time. Then they cut us off by kinda coming into my lane.

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They came over and kinda jerked it so I had to slam on my brakes. They got out and started running towards my car. The passenger ran in front of my car to my passenger side door. As he was in front of the middle of my hood, he was putting on a black vest that said FBI somewhere on the front (I'm not sure though) in white, 2-3" letters. I didn't see a badge on either of them. He runs to the passenger side door and put his gun up against the glass pointed right at Joe's head. It appeared to be up against the glass but I didn't hear anything. As he was running, he was saying FBI put your hands up. I looked over and the driver was on my side. He had a gun (it mighta been black) pointed at me. But I don't know where on my body. I could see the driver's face before he got out of his car so that's how I know he was the one at my window.

They were both saying put your hands up. I heard one of them say unlock the door, get out of the car. I think my hands were up and then I put my car in park. They were both yelling, I'm not sure which one said it. I looked over and heard what sounded like a gunshot. I looked over and saw my glass was breaking and then I felt glass hit me all over my body and blood splattered on my face, jacket and legs and hair. I looked over and Joe was holding his face, like rocking back and forth, screaming as loud as he could. And his face was covered in blood. When you close the doors, they automatically lock. I saw Joe had his seatbelt on. I heard the doors unlock and the driver opened my door and kinda got me out and put me on the ground, face down, and he was like put your hands above your head. As I was being pulled out, I saw Joe was being pulled out, too.

Like 2 minutes later, I felt somebody put their knee in my back and handcuff me. After being handcuffed, I had been laying there for like a minute. Somebody lifted me up and placed me at the back of my car, face down on my trunk, probably for 20 or more minutes. I screamed you shot my fuckin' boyfriend. Someone (a man's voice) told me several times to shut up, you're making it worse. I was bent over the trunk, watching Joe. Joe was on the ground, handcuffed, twitching and everything.

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Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026 
Supervisor I.D.#

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CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
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There was a guy kneeling next to him, in regular clothes, jeans, a white guy. It looked like he was wiping blood off Joe with something white. I seen them like talking or whatever (2 people), they were on Joe's side, right by the trunk. Then they were like unhandcuff 'em. Somebody unhandcuffed Joe, I was still in handcuffs for about like 5 or 10 more minutes. Then they came over and unhandcuffed me and took me over to a police car (a Mustang), the one I rode down here (to CID) in. I sat in that car for a long time while Joe was still laying on the ground. I noticed the ambulance, all I saw was one but there might have been more, when I was walking to the police car. I didn't see when that ambulance arrived.

Responding to several follow-up questions by this detective and Detective Hasenpusch, she told us that her vehicle was operable, her muffler was not loud, all mirrors are on her car and her car windows are not tinted. She does not remember ever seeing any flashing lights before the shooting. She recalled the lighting conditions to be that of daylight, believing that her headlights were not on.

She estimated that the time which had passed from the time the F.B.I. agent ran from their cars passenger side to the time Mr. Schultz was shot was not more than ten seconds. This detective printed a copy of the statement and such was reviewed by Ms. Harkum and her attorney at 1154 hours. She initialed each page and signed the last page, along with this detective, Detective Hasenpusch and her attorney.

On March 11th, 2002, at approximately 2010 hours, Detective H. Hasenpusch attempted to make contact in person at the Pasadena address where the aforementioned America Online account holder resides (reference the Internet message). He received no answer at the door. He tried again on March 12th, 2002, at 1820 hours, and spoke with account holder Salena Donohoe.

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She said that she did not send the message but suggested that he nephew, Matthew Richey⁶³, is on her account (screenname What46210) and might have done such. She said that he was at work at the time and that he works at a telemarketing firm. She described him as being obnoxious and sometimes "likes to fight the system". She said that his parents were out of town but she speaks to him everyday and would tell him to contact Detective Hasenpusch. The interview concluded at 1825 hours.

On March 14th, 2002, at 2039 hours, Matthew Richey eventually telephoned the detective and admitted that he had sent the Internet message, however, he had not witnessed the shooting. He said that he knows the victim and his girlfriend and that he was angry about what had happened.

REDACTED

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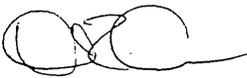
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car closer to another car.

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- Request for related Maryland State Police Aviation records.

On March 6th, 2002, this detective telephoned the Maryland State Police Aviation Unit and learned that Trooper 8 (Norwood Section) in Montgomery County, Maryland, had responded to the shooting scene and transported the victim to Shock Trauma.

I then spoke with Sergeant Garver⁶⁶ of that section and he informed me that the crew of Trooper 8 on that call consisted of paramedic TFC Jeffrey Partridge⁶⁷ and pilot TFC Vern Daley⁶⁸. The sergeant said that I could receive the related records by sending to him, via facsimile machine, a letterhead request for such. I immediately did such and, at 1441 hours, received the Aviation Division's Medical Mission Record for the subject transport. The narrative portion of the report read as follows:

20 y.o. w/m, no LOC after sustaining a single and isolated GSW to the R cheek. The weapon that the patient was reportedly shot with is described as a 5.56 rifle. Pt. c/o pain to the area and is agitated. The area has a few inch laceration in a starburst shape and swelling is evident as well. Bleeding is controlled by a bandage positioned directly over the wound. The wound appears to be a grazing wound and superficial in nature.

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[REDACTED]

P/E is otherwise unremarkable. On Scene – was briefed by Special Agent Brad Sheafe of the FBI and the crew of A.A. Co. P-18 as to pt's condition. Performed assessment and applied propaq monitor. At the time of transport limited information was known as to the details of the incident. Enroute – Monitored pt and vitals. Transport was uneventful.

Trooper 8's response times were also on the report and are included in the timeline of events which accompanies this report. On March 26th, 2002, at 1809 hours, this detective commenced an interview of Maryland State Police TFC / Flight Paramedic Jeffrey K. Partridge at their Norwood facility located at 16501 Norwood Road, Sandy Spring, Maryland. When asked about his recollection of events in reference to this incident, he provided the following:

...just cleared Martin State Airport. Dispatched to shooting. On scene I met with Brad Sheafe. Sheafe briefed him that an agent had shot the victim and the victim has a [REDACTED] d. I talked with fire personnel, saw the victim and asked if he was in custody, noticing that he wasn't in handcuffs. I asked the victim why he was shot and the victim began crying. The victim asked to see the picture of his girlfriend from his wallet. I pulled it out and let him see it.

An ambulance or fire lieutenant or captain told me that the vehicle had matched the description of a bank robbery suspect and the victim was then shot by an agent after he was reaching down or for a gun or something to that effect. Again talked to Sheafe who said that the caliber was 5.56, shot at close range. At the hospital, I was briefing hospital staff who asked why the victim was shot. The victim heard this and piped up and said "They fucked up!"

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QZC

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We completed the interview and TFC Partridge reviewed my notes and signed same. This detective and Detective Hasenpusch also signed the notes.

FIRE DEPARTMENT RESPONSE

- Interviews of fire department personnel that had responded to the scene
- Review of related fire department reports

On March 4th, 2002, at 1500 hours, this detective contacted, via telephone, Mr. Drew Martin⁶⁹ of the Anne Arundel County Fire Department Records Office. I requested all fire department records and reports related to this incident. Mr. Martin indicated that he would compile such and fax them to this detective. On March 7th, 2002, he faxed the report of Paramedic 18 and on March 13th, 2002, he faxed the report of Ambulance 11. Both are maintained as a part of this case file, neither contain any statements or information which specifically define the mechanism of injury or circumstances of such in any greater detail than "gunshot wound".

The following Anne Arundel County Fire Department, both paid and volunteer, were identified as having responded to this incident:

Ambulance 119
Tunisha Coates⁷⁰
Jason Shreves⁷¹

Tower 11
Lieutenant Conrad Listman⁷²
Steven Ambrozewicz⁷³
Christopher Harris⁷⁴
Elliot Horner⁷⁵

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Paramedic 18
Keith Whalen⁷⁶
Jason Moore⁷⁷

Engine 113
Joseph Snyder⁷⁸
Richard Cummings⁷⁹
Robert Sharp⁸⁰

Battalion Chief 5
John Herath⁸¹

This detective, Detectives Hasenpusch, Madison⁸², Regan⁸³ and Cremen completed interviews of each of the aforementioned fire department members, with the exception of Robert Sharp and Richard Cummings. Those two members stayed with their fire department apparatus, maintaining a landing zone for Trooper 8, during the incident and were not close to the actual scene. The statements and related interview notes of the detectives are maintained as a part of this case file.

According to the Emergency Medical Technicians aboard Ambulance 119, the first responding fire department unit, an F.B.I. agent/paramedic was attending to the victim upon their arrival. The agent was maintaining bleeding control pressure against the victim's wound using "2 x 2" gauze pads.

The paramedics aboard Paramedic 18, the second EMS unit to arrive on scene, noted the F.B.I. agent/paramedic was maintaining such pressure and the victim was also receiving oxygen by way of an oxygen mask.

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Paramedic Keith Whalen commented to investigators, "He seemed pretty knowledgeable and his assessment was much more than the average person would know", referring to the agent/paramedic. According to Agent Sheafe's interview, he (Sheafe) is a Nationally Registered Emergency Medical Technician - Paramedic (NREMT-P).

SUBPOENA REQUESTS

On March 8th, 2002, this detective, Detective Hasenpusch and Sergeant Waltemeyer again met with Deputy State's Attorney Gerald K. Anders and updated him on the status of the investigation. During such meeting, Mr. Anders signed several subpoenas requested by this detective in reference to this investigation:

1. University of Maryland Medical System
Request for the medical records of the treatment of Joseph C. Schultz
2. Nextel Communications
Request for the cellular telephone records of Timothy King
3. Cingular Wireless Compliance Center
Request for the cellular telephone records of Michael Blottenberger
4. America Online
Request for records reference post to departmental website

On March 8th, 2002, this detective sent, via facsimile machine, the subpoena for Nextel Communications to their Law Enforcement Administration department. Having received no response, this detective contacted the company on March 19th, 2002, at 1038 hours, and spoke with employee "Ursula" who asked that the subpoena be faxed again. This detective did such. Also on March 8th, 2002, this detective sent, via facsimile machine, the subpoena for Cingular Wireless to their Compliance Center.

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Again, with no response, this detective contacted the company via telephone on March 19th, 2002, at 1043 hours, and confirmed that the fax was received and is being processed. On March 14th, 2002, at 1133 hours, Detective S. Madison served such Subpoena Duces Tecum by personally delivering a copy to the Health Information Management Services department of the University of Maryland Medical System. Once these records are received, they will be reviewed and any pertinent information will be made part of a supplement to this investigative report. Such documents will also be maintained within this case file.

INTERVIEW OF JOSEPH CHARLES SCHULTZ

In an attempt to interview Joseph Charles Schultz when he might be capable of such, this detective contacted his counsel (Joseph Asensio) on the following occasions:

03-05-02 0914	Telephoned Joseph Asensio, requested interview
03-07-02 1220	Telephoned Joseph Asensio, reiterated request for interview
03-08-02 0900	Telephoned Joseph Asensio, left message
03-08-02 1005	Page from / return call to Joseph Asensio, scheduled interview with victim for 03/12/02 1300 at victim's hospital bed
03/12/02	Interview canceled due to surgery to victim
03/15/02 1100	Telephoned Joseph Asensio, left message requesting interview
03/15/02 1102	Telephoned Joseph Asensio's home number, left message
03/15/02 1109	Telephoned Joseph Asensio's office, left message with secretary
03/18/02 1430	Joseph Asensio telephoned Sgt. Waltemeyer, scheduled interview with victim for 03/22/02 1030 at victim's mother's home
03/22/02 1045	Interviewed victim at his mother's home
03/29/02 1500	Met with victim and his attorneys to clarify points of interview

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On March 22nd, 2002, at 1045 hours, this detective and Detective S. Madison met with Joseph Schultz, his mother Sandy Pease and his attorneys, Joseph Asensio and Arnold Weiner^{B4}, at his mother's home located at 7912 Sea Breeze Drive, Baltimore, Maryland. We commenced an interview of Joseph Schultz and Detective Madison captured a statement of events regarding March 1st, 2002, through her notetaking. Initially, Mr. Schultz told this detective that he has to return to Shock Trauma for a follow-up appointment reference his injuries.

He told me that he is currently unemployed, that he was laid off from "IPHOTONICS", Ferndale, Maryland, in December. He said that he graduated from Northeast High School, Pasadena, Maryland, in the year 2000. He said that he has no [REDACTED], but that he had received [REDACTED] as a result of his injury. He told us that he has no [REDACTED] of note and that he was currently on [REDACTED]. He said that he had last [REDACTED] to the interview. He said that he has had [REDACTED] to date since the incident. That [REDACTED] consisted of a [REDACTED] and [REDACTED]. When this detective referred to the subject incident, asking "What happened that night?", Mr. Schultz gave the following reply:

We went to the Marley Station Mall. At approximately 5:30 p.m. - 5:45 p.m. we were at Claire's in the mall. We left the mall and went to the 7-11 at 648 and Marley Neck Boulevard. We parked in front of the front doors. The main door to 7-11 was to the right of us. I got a Slurpee and got her a Mountain Dew. I got a Philly Cheesesteak Breakfast Stick and then I got back in the car. We went down Marley Neck Boulevard. Krissy was driving. The music was on in the car but it was not too loud. There was very little traffic on that road. I can't remember the type of music we were listening to. I noticed a cop had a car pulled over on Marley Neck Boulevard. The cop car was on the right side, the same way we were going. I don't remember the color of the car that was pulled over. The car that was pulled over was near the old house that was like a parking lot. The one where all the cars and junk is.

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I didn't notice any cars behind us. We came to the light. We were going the speed limit, maybe a little more, a little less. I think the light was green. We didn't stop at the light. While we were taking our turn they popped out. It was a goldish, cream, silvery weird color car. This was the only car I noticed. By the time we straightened out, they cut in front of us and pulled us over. We were pulling over because we didn't want to hit them. We pulled in and stopped quick. They told us to pull in. I noticed one guy had a gun, the guy in the passenger seat.

When they were pulling around the guy in the passenger seat held up the gun. They were gesturing and speaking but I couldn't hear them. The guy with the gun was gesturing. It was a long gun, not a pistol. I couldn't tell if the windows in their car were up or down. We both had our seatbelts on. We didn't speak to one another while this was happening. I seen the passenger jump out. I heard, "FBI, keep your hands where we can see them", or something to that affect. The talking was muffled because the windows were up in the car.

The passenger side guy ran in front of the car and came to my side and tried the door. When he ran the gun was not pointed up. When he tried the door he told me to unlock it. He then jumped back and off to the right. My hands were up clear in front of my face showing them I had nothing in them. I did not unlock the door. I was moving both hands back to unlock the lock on the top of the door so he could see me. The rifle was pointed at me. I didn't see any other FBI people. I don't know if Krissy had her hands up. I didn't speak with Krissy. As I was reaching for the lock, I heard a pop, felt the glass hit me and my head got all warm. I didn't hear them say anything. They opened the door and pulled me out. I don't know how the door got unlocked. They opened the door and pulled me out. I don't know how many pulled me out. They threw me on the ground and handcuffed me in the back. All of this happened like this (snapping his fingers and commenting "like that").

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Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
HOMICIDE UNIT

CONFIDENTIAL INVESTIGATIVE REPORT

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I don't remember how I was positioned when they handcuffed me. I was sitting up for a little bit. I remember someone holding something on my face and my head was in their lap. I was on the grass. I had a Nike hat on and I was wearing it on the side. No one said anything to me to this point. I sat there for a while. They asked me my name. I told them. I don't know who asked me. There was never a time that I was left alone after I was shot that I know of. They asked me a couple of times who I was.

I remember two people coming up and putting their bags down. They were in uniform. The paramedics were trying to work on me and I heard, "No". To me this meant that they weren't allowed to work on me yet. I don't remember any other equipment being used. The guy who was holding my face turned me over so I could spit, because I told this guy I couldn't breathe. This guy, I don't know who he was, turned the top half of my body so I could spit.

I was there a while and then they took the handcuffs off of me. I kept asking them, "Why did they shoot me, why did they stop me". At first they told me that it was glass and I wasn't shot. When they first pulled me out I saw them slam Krissy on the hood of the trunk and handcuff her. I don't remember what the guy with the gun was wearing.

When we were turning onto Fort Smallwood Road, and this guy went around us, Krissy and I just looked at each other as if to say, what's going on. I did not see any emergency equipment or hear any emergency equipment. As soon as the cream car stopped, the passenger jumped out and ran over to me. I don't remember seeing any FBI or police I.D. A paramedic worked on me after they took the handcuffs off. They put me on a backboard and put me in an ambulance. Someone asked me if I had a wallet while I was in the ambulance. I told them it was in my pocket and someone took it out. They gave me my wallet back and I held it in my hand.

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(The following are all responses to questions asked by Arduini and Madison after the initial statement was given).

Det. Madison - "At any point while you and Krissy were stopped, did you say anything to each other?" No. I don't think we had any conversation at all from the time the car came around our side to I was shot. I remember the helicopter ride. They didn't give me oxygen that I know of while I was in the ambulance. The paramedic told me to think of a happy thought. The paramedic in the helicopter didn't say anything to me. At the hospital they said, "a shooting victim", when I was taken in. I told them not to cut my pants off. They helped me take them off.

Krissy's car is a red Pontiac Grand Am. The guy with the gun was white, normal to average, no hat, plain clothes. I didn't see the guy who was holding pressure on my face. I didn't talk to anyone in the 7-11 or as I was going into the 7-11. They gave me a receipt in the 7-11 but that is probably on the floor of Krissy's car. I paid with a five dollar bill. The Slurpee was between my legs when we were traveling down Marley Neck Boulevard and I was eating the cheesesteak. By the time we pulled over I finished the cheesesteak. The Slurpee was still in my lap.

I did not see the cream car until it pulled around us. I did not see the cream car at the 7-11. At the 7-11 we pulled in between two cars. The car on my side was a truck. I don't remember what color it was or if anybody was in it. I'm pretty sure it was a truck. I'm not really sure if there was a car on Krissy's side. In the hospital they asked me if I was allergic to anything.

No one ever apologized or told me they made a mistake. I don't remember if anyone was rude, mean or nasty to me. The seatbelts in the car were working properly. The cream colored car looked like a normal car it did not look like a police car.

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The interview ended at 1216 hours and Mr. Schultz and Detective Madison initialed each page of the handwritten statement and signed the final page of such. We left the home after explaining that we would transcribe the handwritten statement and send a copy to the attorney's office for review. Detective Madison later transcribed such and this detective forwarded a copy of such to the attorneys via facsimile. The attorneys said that they would review such and we could then schedule a time to meet with their client again and have him sign the formal typed statement.

The attorneys later arranged with this detective to meet with them and Mr. Schultz to clarify and finalize the statement. On March 29th, 2002, at 1500 hours, this detective and Detective M. Regan went to 7 Central Avenue, Glen Burnie, Maryland, and met with Mr. Schultz and attorneys Joseph Asensio and Robert Weltchek⁸⁵ in the office of Mr. Asensio. The attorneys explained that they wanted their client to clarify a few points in the original statement and this detective agreed to allow such clarification in question and answer format without altering the content of the original statement since Mr. Schultz had made such statement to this detective and Detective Madison. The following addition was made to the original statement:

Q: Are there any points in your original statement that you would like to clarify?

A: Yes, the main door to the 7-11 is really to the left front of the store and we were parked right in front of those doors. Also, I'm not sure about the color of the traffic light...I wasn't really paying attention. I do remember that Kristy slowed for the light before making the turn. I also do remember turning to the right to unlock the door, but my hands did not make it to a locking mechanism, when I was shot. At all times I made sure my hands were in view of the officer. I remember at least part of their response to when I asked why I was shot being *because you moved* or something like that. They also said something like *we'll explain it to you later*.

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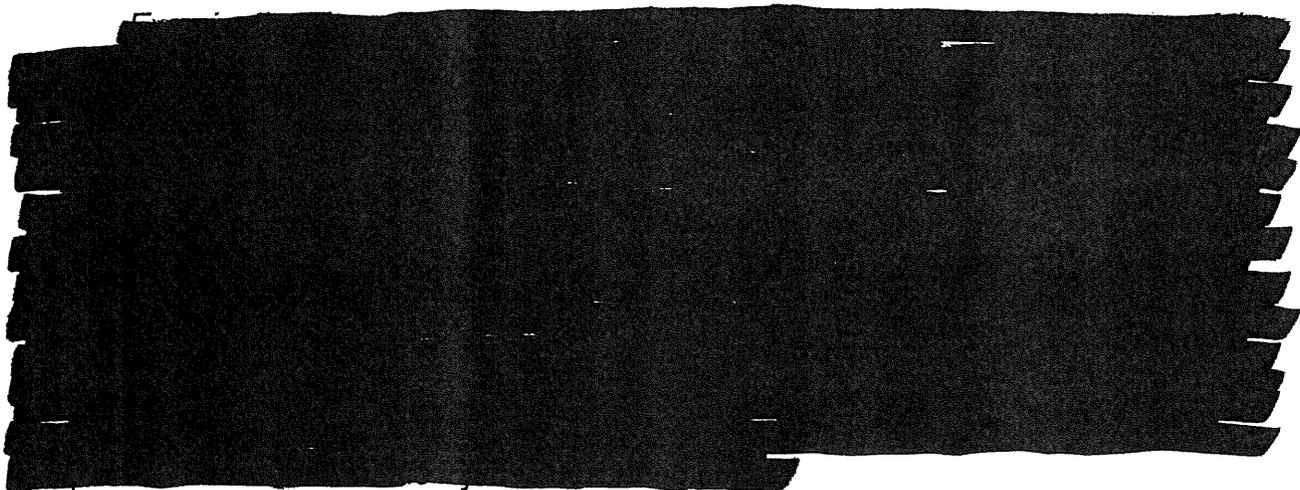
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We also asked the victim if he had ever reached for his seatbelt during this incident (as originally reported by the press) and he replied that he hadn't nor had he ever told anyone that he had. This detective added these clarifications to the original statement and printed the entire five-page statement and clarifications in the attorney's office (using my laptop and portable printer). The attorneys would not allow their client to initial the first four pages but Mr. Schultz did sign and date the last page in agreement with the clarifications at 1645 hours. This detective initialed each of the first four pages then this detective and Detective Regan signed the final page. The original of the initial statement, the final statement and the notes of this detective and Detective Madison are all included within this case file.

On March 25th, 2002, this detective received the medical records for the treatment of Joseph Charles Schultz by the University of Maryland Medical System. Within the records, it was noted that the victim received a CT scan on March 1st, 2002, at 1928 hours. Dr. Stuart Mirvis⁸⁶ noted the following:



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[REDACTED]

The doctor found ballistic fragments in the [REDACTED] and [REDACTED]. It was also noted that Schultz received [REDACTED] on March 2nd, 2002. Doctor Hinrich Staecker⁸⁷ noted the victim to have a gunshot entrance wound [REDACTED] and [REDACTED]. Dr. Staecker washed out the wound in surgery.

On March 10th, 2002, Dr. Navin Singh⁸⁸ performed plastic surgery on Schultz. He [REDACTED]. He further documented that he removed, [REDACTED]. On March 12th, 2002, another CT scan was done and compared to the aforementioned scan of March 7th, 2002. Dr. K. Shanmuganathan⁸⁹ did such and still observed "numerous ballistic fragments" within Schultz's tissues. [REDACTED]

This detective had previously contacted the attending medical staff of Schultz and provided my name and telephone numbers, asking that I be contacted immediately should a projectile of any sort be removed from the victim. On March 4th, 2002, at 1740 hours, Detective Hasenpusch went to Shock Trauma and spoke with Phyllis Cassidy, R.N.⁹⁰ She told the detective that Schultz had been to [REDACTED] and that his [REDACTED] should be on the following Wednesday. She mentioned that the [REDACTED] would probably take [REDACTED]. She mentioned that Schultz had made no statements about the incident to her knowledge and that his attending physician is Dr. William Chiu⁹¹.

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Detective Hasenpusch reiterated my request for a notification regarding projectile removal and observed my name and contact number on the victim's chart. He also noticed that an F.B.I. agent had made the same request: Special Agent Michael E. Saltz⁹², 410-265-8080, Baltimore Field Office "call when bullet removed". This detective was never notified of any projectile removal, therefore, on March 25th, 2002, this detective left a message for the surgeon who I learned had removed a projectile (according to the hospital records received that day). Further attempts are being made to locate and collect any projectile(s) removed from the victim. Such efforts will be documented in a supplement to this investigative report as appropriate.

EVIDENCE COLLECTION

- Including ballistic examinations.

This detective received a copy of the Crime Scene Unit's Supplement Report reference this investigation. The report, maintained within this case file, was completed by Technician R. Caliendo 9909 and it detailed the crime scene description and the seizure of related evidence. It also detailed that Special Agent Bridget S. Bingham⁹³, F.B.I. Baltimore, had arrived on the initial scene and acted as a liaison between both agencies. Technician Blondin 9658 and Officer G. Russell worked together to measure and map the scene to create a crime scene diagram. Officer Russell will also be creating a computerized diagram which will include the crime scene as well as the 7-11 surveillance area. All completed diagrams will be maintained within this case file.

After photographs of the scene were taken, Special Agent Braga's weapon was collected as evidence from Special Agent Sheafe. The weapon had been secured inside the white Buick Century for safekeeping. The weapon was identified as a Colt M4A1 Carbine, caliber 5.56mm semi-automatic (2050) bearing serial number W319521. Also collected was the weapon's magazine containing twenty-five .223 Remington FC cartridges and one .223 Remington FC cartridge from the weapon's chamber.

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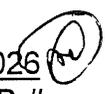
Also noted by Technician Caliendo was that the front passenger seat belt was engaged, however, the driver's seat belt was not. The black plastic covering over the metal seat belt guide, above the front passenger door, was shattered and pieces of such were observed throughout the vehicle. The metal guide and attached cloth seat belt were damaged. It should be noted that the vehicle was a 1995 Pontiac Gram Am, four door, red in color. The vehicle is registered to Joseph Arthur Harkum, Jr. (Kristen Harkum's father) and bears Vehicle Identification Number 1G2NE55M0SC701725.

The seatbelts are designed in such a manner that would allow a front seat passenger to exit or enter the vehicle without disengaging the belt system, specifically, the belt's mounting points are on the door of the vehicle rather than on the outer side of the seats or floor. Also of note was that the front door locking/unlocking controls were located on the door's interior handle assemblies. No locking controls were located on the interior top of each door near the "B" posts. (NOTE: According to the initial interview with victim Schultz, he was reaching to the top and rear of his door to unlock such when he was shot).

On March 2nd, 2002, this detective contacted Technician Caliendo and ensured that a hold was continued on the vehicle (Deputy State's Attorney Anders requested such). The technician was also asked to respond back to the original scene and meet with Detective Hasenpusch and evidence technicians of the F.B.I. She did such and met with the detective and six F.B.I. technicians at the scene, including Timothy D. Osborne⁹⁴ of the F.B.I.'s Graphic Design Unit in Washington, D.C. Technician Caliendo walked the group through the scene and provided their technician (Osborne) with some Polaroid photographs from the night of the incident to aid in their investigation. The F.B.I. technicians were also accompanied to the Harkum Pontiac in the police headquarters impound lot, where they also examined the vehicle. During the course of their examination, they removed sections of the vehicle's dash.

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On March 3rd, 2002, Special Agent Dave Midura, Annapolis Field Office, telephoned Technician Caliendo and requested the release of schoolbooks from the trunk of the Pontiac Grand Am as those books were needed by Ms. Harkum for school. This detective authorized the release of the schoolbooks only. Special Agent Hanburger signed for the items and stated that he would deliver them to Kristen Harkum at her Pasadena residence. A copy of such signed release is included in this case file.

Technician Carol A. Buttrum⁹⁵ of the Evidence Collection Unit later completed a Maryland State Police Request for Laboratory Examination Chain of Custody Log and submitted the aforementioned rifle, magazine, cartridges and recovered cartridge case to the Maryland State Police laboratory, specifically Joseph Kopera⁹⁶, firearms and toolmarks expert. The examination request asked for function testing and trigger pull testing.

On March 24th, 2002, Mr. Kopera completed his examination of such and found the weapon to have been manufactured for U.S. Government use. He found the weapon to be gas operated, having a four position telescopic stock, detachable carry handle and a left side frame selector switch for "Safe", "Semi-automatic" and "Full automatic" modes of fire. The barrel length was found to be 14.5 inches with rifling characteristics of six lands and grooves, right twist. No defects or excessive wear was found on the weapon parts and all mechanisms functioned as designed.

Test shots were fired with the weapon in both firing modes and the safety was also found to be functioning properly. Tests conducted for the trigger pull found it to be between 5 ½" to 6 ½" foot pounds. This detective, upon reviewing such, noted the report did not make mention of the normal limits of trigger pull on such a weapon, therefore, I contacted Technician Buttrum who clarified that Mr. Kopera would have designated specifically that the trigger pull was not within normal limits had such been the case.

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On March 28th, 2002, Sergeant D. Waltemeyer contacted Mr. Kopera and verified that the trigger pull of Braga's weapon was within the manufacturer's range for such.

The recovered ammunition was found to .223 Remington caliber, having 62 grain copper jacketed bullets with a "Dry Moly-Coated" lubricate. The casings were made of brass with a nickel coating. Headstamps on the cartridges were that of the "Federal Cartridge Corporation" and were produced under the load number of LE223-T3.

The submitted weapon, magazine and ammunition were of the type used and issued to members of the Federal Bureau of Investigation's Special Weapons and Tactics Team. The recovered casing was found to be consistent in caliber, manufacturer and design of the submitted unspent cartridges.

Microscopic comparison examinations conducted between that spent casing and those of test casings fired in the submitted weapon and it was concluded that the spent casing had been fired from the submitted weapon. This detective received a copy of such examination report on March 25th, 2002, and is also included in this case file.

On March 7th, 2002, this detective arranged to have Benfield Shell Towing return the Harkum Pontiac to the Harkum home in Pasadena, Maryland. Prior to returning such, this detective and Detective Hasenpusch started the vehicle's engine, ensure the vehicle was running properly and had no damage other than that which was done by the F.B.I. when they processed the vehicle. Evidence Technician W. Beall 9637 responded to the impound lot and photographed the interior and exterior of the vehicle prior to the vehicle being towed. The vehicle was released to the tow operator at approximately 1500 hours after a tow slip was completed for such. The original scene tow slip and the vehicle return tow slip are part of this case file.

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It should also be noted that photographs of the initial scene, the victim and his injuries, the vehicle and aerial photographs of the scene and surveillance areas (in daylight) are included in this case file. Also maintained as part of this file are Motor Vehicle Administration digital images of Joseph Schultz and Kristen Harkum, a digital image of Timothy King and digital booking images of Michael Blottenberger.

Also, a request is being made to the Federal Bureau of Investigation Shooting Incident Review Team for the following documents:

- Any and all investigative reports concerning prior use of deadly force incidents by Special Agent Christopher Braga.
- F.B.I. rules and regulations concerning the following: Arrest procedures, surveillance procedures, traffic stops, use of deadly force policy and a list of approved agency firearms and ammunition and their authorized usage.
- F.B.I. case file, reference case number 91A-BA-101763, pertaining to the armed bank robbery of the Allfirst Bank, 8493 Fort Smallwood Road, Pasadena, Maryland, dated February 20th, 2002.
- Any and all recorded radio transmissions pertaining to the deadly force incident on March 1st, 2002, involving Agent Braga. Case number 297-HQ-A1270951.
- The entire shooting review investigative case file, reference case number 297-HQ-A1270951, including all related statements, etc.
- Agent Braga's training records pertaining to the use of force, agency firearms and arrest tactics.

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All items received from the aforementioned request will be reviewed and maintained within this case file. Any new information will be documented in a supplement to this investigative report.

REDACTED

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REDACTED

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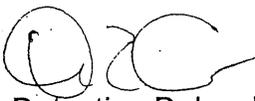
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REDACTED

On March 3rd, 2002, at approximately 2004 hours, Michael J. Blottenberger was spotted in a gold Ford Escort leaving the Shell station at Jumpers Hole Road and Ritchie Highway, Pasadena, Maryland. The vehicle was pursued by Anne Arundel County Police patrol officers and F.B.I. agents to an area of Glen Burnie where Blottenberger bailed out and fled on foot. Numerous units from Eastern District and Northern District, along with K-9 units and the aviation unit responded to the area and conducted a grid search. After a lengthy search of approximately three hours, at approximately 2300 hours, the suspect was located by the aviation unit and taken into custody by ground units. Blottenberger's criminal histories as well as the police reports documenting his eventual apprehension are maintained within this case file.

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ANNE ARUNDEL COUNTY POLICE DEPARTMENT RADIO COMMUNICATIONS

The following is a transcription of all relevant police radio communications and "911" calls in reference to this incident. Cassette tape copies of such transmissions and calls are maintained as a part of this official case file. The dispatches and 911 calls are from Channel 5 dispatch position 10, Northern dispatch position 6, Eastern dispatch position 7 and call take position 2.

Beginning on March 1st, 2002, at 1735 hours

FBI 1: FBI 1 to 125
D125: 125
FBI 1: All right, I'm behind a CW he's got his hat on backwards he's on Ordnance moving towards Ritchie, and I'll let you know when he clears doing the check thing
D125: 10-4
FBI 1: FBI 1 to 125
D125: 125
FBI 1: Okay, the source is saying he's leaving he's on West Ordnance facing Ritchie I don't know whether he's going to go south on 2 or over to 10 and down but presumably your way
D125: 10-4 thank you
FBI 1: Have you met up with those other guys down there?
D125: That's correct sir
FBI 1: All right then I won't go on the radio then I'll just transmit on ours
D125: Okay, just to let you know we're stationary in a position they have the eye we're going to make rounds in the area
FBI 1: All right, 10-4 then I'll continue to keep you abreast we got a green light I don't know which way he's going yet and the CW goes with the subject for appearance sake

CASE STATUS: OPEN


Detective Debra E. Arduini 1004
Investigator I.D.#


Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
HOMICIDE UNIT

CONFIDENTIAL INVESTIGATIVE REPORT

<u>Offense / Incident</u>	<u>Victim / Business Name</u>	<u>Case Number</u>
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D125: Copy that
FBI 1: FBI 1 to 125 he's south on Ritchie
D125: 10-4
FBI 1: FBI 1 to D125
D125: 125
FBI 1: I'm told he's going to go down Ritchie to 648 to get over to the 7-11
D125: 10-4
FBI 1: FBI 1 to 125 the CW vehicle just went by Furnace Branch Rd on 648
D125: 10-4
D125: FBI 1 for 125 does this subject have any facial hair or anything?
FBI 1: Stand-by I'll find out
FBI 1: FBI 1 to 125 the answer is negative as far as we know
D125: 10-4
D125: FBI 1 is your CW on location?
FBI 1: That's correct still in that 7-11 lot
D125: 10-4
Radio: Radio to D125 need you to 10-21
D125: 10-4
D125: FBI 1
Radio: FBI 1
D125: 125 to FBI 1
FBI 1: FBI 1 we're looking for a female driver in a small red car
FBI 1: FBI 1 to 125 red car headed north on 648
D125: 10-4
D125: Believe it's going to be a red Honda Civic male passenger female driver
D125: 125 to radio
Radio: 125
D125: Okay we're going to have one in custody at least the FBI is at Fort
Smallwood and Marley Neck Blvd
Radio: 10-4 out with that same vehicle

CASE STATUS: OPEN


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D125: 125 radio start fire to this location
Radio: 10-4
Radio: Radio to D125
D125: Go ahead
Radio: Fire department 10-76 do you need a northern unit?
D125: If you've got one available
Radio: 10-4 the injury is for...?
Radio: 125 injury of an officer or civilian?
D125: Injury to a suspect
Radio: 10-4
D125: 125 you can advise them a gunshot wound
Radio: 10-4
D125: Have them step it up
Radio: 10-4
D57: Answer to 8619
Radio: D57 10-9 your last
D57: D57 on channel E you can 10-22 the other county units we have enough
out here at this time other than the supervisor
Radio: 10-4
D22: D22 to radio
Radio: D22
D22: I'm going to start to that location with CID
Radio: 10-4
D22: 22 radio could you also see if you could raise 108
Radio: 108 and 103 just left headquarters they were en route
D103: We're en route
D22: 10-4
D103: D103 and 108 are out
Radio: 10-4
D108: D108 to radio

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Radio: 108
D108: Could you start ECU to our location
Radio: 10-4
D108: Could you also put a call in to D21?
Radio: 10-4
E330: 330 to channel 5
Radio: 330
E330: Tried to raise Captain 300 at his residence there is no response can you page him or whatever you got to do have him get a hold of me please
Radio: 10-4
D22: D22 to radio I'm out
Radio: 10-4
D22: 22 to 108
Radio: Radio to D108
D108: 108
Radio: That number your are getting in your pager will be 21's cell he said give him 10 minutes than call that number
D108: Okay he should know my pager is out of service if he needs to contact me I'm going to try to listen to the radio but I do have his cell phone number so I should be able to contact him
Radio: 10-4 if you could do so in 10 minutes
D108: 10-4
D22: D22 to 108
D22: D22 to 108
E330: 330 on E
Radio: E330 I have Officer Ravenell on public service do you want him to respond to the scene?
E330: That's correct
Radio: E330
E330: Go ahead

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Radio: I put in a page for E300 is there anybody else you need me to notify?
E330: (inaudible) on the way up I guess
S400: 400 to radio
Radio: 400
S400: You can page Captain Rothenbecker and no one else executive commands already been notified no need for a snap page to go out to all commanders 10-22 a snap page to all commanders
Radio: 10-4
E335: 335 direct going back over to Eastern I mean correction C
Radio: 10-4
Radio: S400
Channel 5 to any available air unit
S400: 400
Radio: 400 I'm going to put a public service in your pager it will be Captain Rothenbecker could you make a call to him when you get that number?
S400: Sure let me give you my cell phone number 410-533-4567
Radio: 10-4
D22: D22 to radio
Radio: 22
D22: When you get a chance can you put 21's cell number into my pager?
Radio: 10-4
S400: 400 to 330
Radio: Radio to D22
Radio: Radio to D22 or 125
D122: 122 I'll monitor
Radio: 10-4 122
Radio: Radio to ID54
ID54: ID54
Radio: 54 are you going down to that same location as 43?
ID54: I'm going to Fort Smallwood

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Radio: 10-43 did you copy the call that just came in on Southern?
Radio: 54 did you copy?
ID54: 10-4
Radio: Any (inaudible) requesting ECU shortly reference robbery just occurred Southern District Bank of America correction Bank of Annapolis down on Bestgate
ID54: 10-4 ID43 is with me
Radio: 10-4 are you both are going to be 10-6 on that?
ID54: We will advise as soon as we get there and see what we have
Radio: 10-4
D125: 125 to radio
Radio: 125
D125: I'm going to be 10-5 #1 female or #2 female juvenile from this location to CID starting mileage 84531
Radio: 10-4 1858
ID54: ID54 to radio
Radio: Advise unit calling
ID54: ID54 and ID43 are 10-23
Radio: 10-4
E330: 330 to radio
Radio: 330
E330: Notify somebody from traffic safety and see if they can respond down here to the scene tell them we need a total station
Radio: Sorry what will you need?
E330: It's called total station they should know what that means
Radio: 10-4
T34: Traffic Safety call direct
Radio: 10-4
D125: 125 to radio we're 10-23 at CID ending mileage 84551
Radio: 10-4 1916

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S400: 400 to radio
Radio: 400
S400: Do you have an ETA for the PIO?
Radio: Should be about 15 or 20
S400: Do you have a car number?
Radio: No he called in I think his radio is 10-7 he had advised that about 5 minutes ago
S400: Okay, do me a favor and throw a page in to him and let him know that the news media is on the scene
Radio: 10-4
E330: 330 to radio any word from Traffic Safety?
Radio: T34 is 10-76
E330: Thank you very much
Radio: 10-4
T34: T34 to 400
T34: T34 you can put me 10-23
Radio: 10-4
Radio: Radio to ID54
ID43: Go ahead for ID54
Radio: 43 any word yet on whether you or 54 will be freed up for that robbery in Southern?
ID43: No, we're both going to be down here for awhile, the only suggestion that I can make is if its something that they can't handle to go ahead and call somebody in I know you can call my code 4 he's been advised
Radio: 10-4
T34: T34 to radio
Radio: T34
T34: I'm going to need my own tac channel reference to this crime scene diagram
Radio: T34 the incident up on 648 and Marley Neck is what you are referring to?

CASE STATUS: OPEN


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T34: Yeah, we're going to diagram the total station just need a channel to talk back and forth to ECU on you don't have to monitor it but its hard to do a talk around

Radio: Okay, standby one let me check

Radio: T34 take 2L

T34: 10-4

K9-3: K9-3 to Channel 5

Radio: K9-3

K9-3: For my 43 what type of incident do we have up in Marley?

Radio: FBI involved shooting 648 correction Fort Smallwood and Marley Neck

K9-3: Okay, are they going to have anything shut down as far as roads?

Radio: I'm not quite sure what they are, I think they are directing traffic around it

K9-3: Okay, thank you

Radio: 10-4

D125: D125 to 22

D22: 22

D125: Can you call me at my extension?

D22: 10-4

D22: D22 to radio

Radio: D22

D22: Can you start a tow to this location it's going to be for a suspect vehicle seizure for the garage? I'm not sure if its something the garage does, it's actually going to be impounded, being towed for processing.

Radio: 10-4

Radio: 22 I'll start a tow is someone from one of the units from ECU going to be en route to put it in the canopy

D22: D22 to radio you calling?

Radio: I'll start the area tow to bring it in one of the ECU units down there I need somebody to unlock the garage to put it in though

CASE STATUS: OPEN


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D22: 10-4 one of the two techs here will follow it in once we actually get it up on the truck
Radio: 10-4 will be Redmonds on the way down
D22: 10-4
Radio: When you get a chance I'll need a tag on it
D125: 125
Radio: 125 you calling
D125: Trying to reach 22
Radio: 10-4
D125: D125 to 22
D22: Go ahead
D125: Do you know if it's going through or not having problems with the fax up here?
D22: Let me check for you I'm on the other side they are reading it right now 5 total pages the last page being the written part
D125: Yeah, 10-4
D22: They received it okay
Radio: Radio to D22
D22: 22
Radio: Can I get a tag on that vehicle please?
D22: MD KCW895
Radio: 10-4 thank you
D125: D125 to radio
Radio: 125
D125: I'll be 10-5 with a #2 female juvenile back to the scene starting mileage 84551
Radio: 10-4 2039
D22: D22 to radio
Radio: 22

CASE STATUS: OPEN



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D22: If there is a way you can note that she is being brought up to be turned over to her father?

Radio: 10-4

T34: T34 we're clear with L

Radio: 10-4

T34: T34 clear the shooting

Radio: 10-4

D57: D57 to D22

D57: D57 to 22

D22: 22 to 125

D22: D22 to 125

D125: Go ahead

D22: ETA

D125: I'm here the father took custody of the girl

D22: 10-4

D125: Radio you copy I'm out at the scene and the father took custody of the girl?

Radio: 10-4 your ending mileage is...?

D125: I have to give it back to you when I get back to the car

Radio: 10-4

D57: 57 to 22

D57: D22

D22: 22 you calling?

D57: This is 57 sir I'm clear with 125 I'm going to secure if you don't need me any further

D22: What's your private line?

D57: 10-9 sir

D22: What's your private line?

D57: Couldn't copy radio

D22: Your private line?

CASE STATUS: OPEN



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D57: 760559
D108: D108 to ID54
(Open mike)
D108: Did get the weapon correct?
D125: 125 to radio
Radio: 125
D125: My ending was 84571
Radio: 10-4 do you have the time when you dropped her off or do you need that?
D125: No I don't need it but thank you though
Radio: 10-4
ID54: ID54 to radio
Radio: ID54
ID54: Yes ma'am myself and ID43 are 10-76 to headquarters with the vehicle
Radio: 10-4
D125: 125 to radio you trying to raise me?
Radio: Just when you get a chance 10-21 its no hurry
D125: Okay, give me about a minute
Radio: 10-4
D111: D111 to D22
D22: 22
D111: You able to call me on 3459?
D22: 10-4
(Nothing)
Radio: D22 10-4
Radio: (inaudible) say again I couldn't copy you
ID54: ID54 to D103
D103: D103
ID54: Could you please call extension 8811?
D103: 10-4
D22: D22 to radio

CASE STATUS: OPEN



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Radio: D22
D22: I'll be clear the Fort Smallwood Road scene and 10-42
Radio: 10-4
D108: D108 to radio
Radio: D108
D108: All the units are clear from Fort Smallwood Road 103 and I will be in-service for a while doing our investigation
Radio: 10-4
D103: D103 to radio
Radio: D103
D103: If you haven't done so already clear all parties from Marley Neck and Fort Smallwood 103 and 108 will be en route to Shock Trauma
Radio: 10-4
(inaudible)
ID41: ID41 to radio
Radio: ID41
ID41: I'll be 10-76 to Shock Trauma
Radio: 10-4
ID41: ID41 to D103
D103: 103
ID41: You going to Shock trauma?
D103: 10-4 we will be up there in a little bit
ID41: Plan on using 295?
D103: Yes, shouldn't I...?
ID41: No you shouldn't, shutting down the tunnel road they got a PI up here
D103: They shut down inside the beltway?
ID41: Shut down on 295 and the Harbor Tunnel can't get up to Russell Street that way, find another way
D103: 10-4 sir thank you.
D22: 22 to 103

CASE STATUS: OPEN



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D103: Go ahead sir
D22: What's your PL?
D103: 655
D103: 103 and 108 are out at Shock Trauma
Radio: 10-4
S400: S400 to radio
Radio: Unit calling?
S400: S400 I'll be 10-42
Radio: 10-4
D103: D103 and 108 are clear Shock Trauma
Radio: 10-4
ID41: ID41 to radio
Radio: ID41
ID41: 10-8 from Shock Trauma you have anything holding?
Radio: Negative
ID41: 10-4

Following are radio dispatches to and from Officer R. Mull 1324⁹⁷ who was on a traffic stop on Marley Neck Boulevard when he was passed by agents and detectives responding to the intersection of Marley Neck Boulevard and Fort Smallwood Roads in reference to making the F.B.I.'s traffic stop:

2D3: 2D3 to radio
Radio: 2D3
2D3: What does Eastern have working right now?
Radio: They are responding for a 10-50 can't advise 2317 Mountain Road cross street of Outing Avenue is that what you are referring to?

CASE STATUS: OPEN



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2D3: No radio, I had a handful of unmarked cars pass by me on Marley Station Road and I believe two federal cars are involved as well if you could check for me

Radio: 10-4

Radio: It's going to be in reference to a stakeout call D3 D125, 57, they are at the 7-11 at B&A and Marley Neck and FBI one officer is responding

2D3: All right, well whatever it is they just passed by me on a priority so if they need me let me know.

Radio: I'll check with channel 5. They are going to advise if they need assistance right now they are okay

Radio: Radio to 2D3

2D3: 2D3

Radio: They are requesting a unit routine backup 7753 B&A off Marley Neck at the 7-11 correction make it Fort Smallwood and Marley Neck, Fort Smallwood and Marley Neck

2D3: 10-4 I'll be 23 in about a few minutes I had traffic just prior to that

Radio: 10-4

Radio: 2D3

2D3: 2D3

Radio: For your 43 Eastern District is now getting a call for an injured subject at that same location Fort Smallwood and Marley Neck they are also responding we're trying to check

2D3: All right I'll check it and advise probably going to be Eastern District as it is

1155: 1155 to radio

Radio: 1155

1155: I'm out there is there a detective or FBI?

Radio: 10-4 they are advising a gunshot wound

1155: That's correct it's the FBI's gig

Radio: 10-4

N232: 232 to 1155 occurred here or somewhere else?

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N232: 232 to 2D3
2D3: Go ahead
N232: Let me know what you got as soon as you get there would you please
2D3: Looks like definitely a shooting I'll let you know something in a second
Radio: Radio to 232
N232: 232
Radio: You did copy that FBI shooting correct?
N232: That's correct I'm trying to find out if it happened here or somewhere else
Radio: I believe it just happened at the Fort Smallwood and Marley Neck location
N232: 10-4 radio
(Inaudible)
1155: 1155 to 232 you can private line me (inaudible)?
2D3: 2D3 to radio its going to be Eastern District situation I'm going to be out here directing traffic looks like we're going to have to shut down the road 232 you still enroute?
N232: That's correct thanks
Radio: Radio to 232 I didn't copy are you going to 10-22?
N232: 232 you calling me?
Radio: That's correct are you still going to respond to that location or are you going to 10-22?
N232: I'm going to stay 10-8 I'll just head down that way
Radio: 10-4 thank you
2D3: D3 to radio
Radio: 2D3
Radio: 2D3 go ahead
2D3: I'm just at the crime scene I'll be handling traffic their going to be landing MSP out here for a gunshot wound Eastern going to be doing the crime scene as well as everything else so I'm just here for traffic just to let you know
Radio: 10-4 thank you

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
Investigator I.D.#



Sgt. David D. Waltemeyer, Jr. 1026
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
HOMICIDE UNIT

CONFIDENTIAL INVESTIGATIVE REPORT

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Shooting	Schultz, Joseph Charles	2002-708878
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2D3: In order to have to block off Fort Smallwood Road probably have to get a unit at Baltimore City line or if anybody knows that area up there direct it somewhere else cause it's all going to be blocked off down here

Radio: 10-4

2D3: 2D3 to radio

Radio: 2D3

2D3: 2D3 to radio I'm going to be out here a little while longer see if you can notify the reserves have them start this way

Radio: 10-4

2D3: 2D3 to radio anything on the reserves?

Radio: Okay, we're working on it for you checking with Eastern so we don't double their work here and they are going to check first

2D3: 10-4 advise anybody available to bring me 2 or 3 boxes of flares down here I would appreciate it Eastern is completely 10-6

Radio: We're pretty 10-6 too standby radio 2B8 or 7

2B7: 2B7

Radio: Can you pick up box of flares for 2D3 reference to shutting down the road at Fort Smallwood Road and Marley Neck?

2B7: 10-4 sir, ma'am

2D3: 2D3 to B7 get two

2B7: 10-4

2B7: 2B7 to 2D3

2B3: 2B3

2B7: 2D3

Radio: Radio to 2D3

2D3: 2D3

2B7: 2B7 to 2D3 go to G

CASE STATUS: OPEN



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The following is a 911 call made in reference to an injured subject. Investigation revealed that the call was made by Special Agent Don Kornek.

Calltaker: Anne Arundel County 911, do you need police fire or ambulance?
Caller: We do we have an emergency situation at Ft. Smallwood and Marley Neck Boulevard
Calltaker: Is it an accident?
Caller: Ah, yeah, we have a man that ah, appears to have been is it shot? I think it's ah (female in background crying, "oh my god he's shot?") okay, it may be glass in his face
Calltaker: Was it a car accident?
Caller: No, it's not a car accident, we just need EMS here
Calltaker: Alright stay on the line, let me bring the medics on here with you they're gonna ask you location and what's goin' on
(female in background crying, "he's not Mike, I don't know any Mike, we are not involved in whatever you think. I swear to god I've never...")
Calltaker: I need the exact location of your emergency
Caller: Hi, we need an EMS at Marley Neck Boulevard and Fort Smallwood Road
Calltaker: Okay and what's the problem there sir?
Caller: Ah, we have an individual that's injured
Calltaker: Okay and is he just on the side of the road, in a car or...?
Caller: Side of the road, that's correct
Calltaker: Okay, is he laying on the side of the road?
Caller: He's layin' on the side of the road
Calltaker: Okay, and your name sir?
Caller: Don Kornek
Calltaker: Okay, Don do you know the number to your phone there sir?
Caller: Yeah, my phone number's 301-440-1138
Calltaker: Okay sir, we'll go ahead and send them right out, thanks for callin'
Caller: Alright, thank you

CASE STATUS: OPEN


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The following transmissions are made to an Eastern District unit as a result of the 911 call made in reference to an injured subject on the side of the road.

Radio: 10-4 radio to 3A1
3A1: A1
Radio: Have an injured subject Fort Smallwood Road and Marley Neck Blvd Fort Smallwood Road and Marley Neck Blvd called in by a citizen advising there's a male on the side of the road with some type of face injury due to glass Fire Department notified can't advise exactly extent of the injury or how it took place
3A1: 10-4
3A3: A3 direct as well I'll start that way A1
Radio: 10-4
Radio: Radio to 3A1 and A3 be advised this may be in reference to a stakeout by CID and FBI where the subject possibly has a gunshot injury can't get any further information
Radio: Radio to 331 or 332 direct
D331: 331 I'm direct can we try to make a phone call down to CID then to see if we can try to figure out what its all about
Radio: They are on the channel they are out and dispatcher can't raise them right now
Radio: Radio to 331 the gunshot wound is to the suspect in this incident
D331: 10-4 I'm direct I'm en route up there
Radio: 10-4 be advised Northern is en route also
3C1: C1 radio can you repeat that call please
Radio: At Fort Smallwood Road and Marley Neck there's a suspect in an incident with CID that was shot and the injury is to the suspect and it's going to be a FBI shooting

CASE STATUS: OPEN



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3C1: I'm clear in the area going to head down there with them
3A4: A4 start that way
Radio: 10-4
E330: 330 to radio
Radio: 330
E330: I'm coming through a bad area I copied most of that we got somebody shot by FBI agent at Fort Smallwood and Marley Neck
Radio: That's correct apparently CID and Northern were assisting the FBI units and apparently a citizen witnessed and that's how we got it at Fort Smallwood and Marley Neck
E330: All right I'm en route there as well we have CID people on the scene and we can't raise them is that what it is
Radio: We're getting the information bits and pieces their trying to secure the scene and things like that down there they are saying that the only injury is for the suspect and FBI did the firing
E330: 10-4
E330: Notify the night commander as well
Radio: 10-4

The following is a copy of the 911 call [REDACTED] made on March 1, 2002, at approximately 1758 hrs and 43 seconds from call take position 6.

Call Taker: Anne Arundel 911 do you need Police, Fire or Ambulance?
Caller: Yeah, no, I'm involved um in trying to catch one of the guys that robbed the bank last week and I was keeping in contact with my cell phone and my cell phone died
Call Taker: Your keeping in contact with who on your cell phone
Caller: Well, right now as far as I know the FBI is involved I don't know if you all have anybody following me

CASE STATUS: OPEN


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Call Taker: Sir, I don't understand what you are saying
Caller: I'm being tailed by the FBI right now because I'm supposed to meet a bank robber the guy that robbed AllFirst Bank in Pasadena
Call Taker: Okay
Caller: I'm supposed to meet him and I've been in contact and I'm at the meeting point and I can't call this guy to tell him call the FBI to tell him that this guy's not coming in because he's riding around scoping the place out and he keeps riding right past them
Call Taker: Riding past the FBI
Caller: Yeah
Call Taker: Where's the FBI sitting at
Caller: They're, they just keep riding around, they're not sitting, they're riding up and down the street
Call Taker: And where is this at
Caller: Marley Neck and Baltimore Annapolis Blvd. But if he sees the cops he's going to run and that's what they were trying not to do
Call Taker: Can you give me the description of the vehicle
Caller: It's a Red Honda Civic
Call Taker: And this is the suspect
Caller: Yes, the suspect's sister is driving the car
Call Taker: Can you see the tag number?
Caller: No, I'm (inaudible)
Call Taker: Okay, is she a white or black female?
Caller: They're both white
Call Taker: Do you know her name?
Caller: Um, Constant, no
Call Taker: Okay
Caller: Content
Call Taker: I'm sorry what
Caller: Content

CASE STATUS: OPEN



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Call Taker: What's her name?
Caller: Content
Call Taker: Content
Caller: Content
Call Taker: Content (radio is spelling the name)
Caller: I don't know how to spell it ma'am all that I know is
Call Taker: Okay, is anybody else in the car with her?
Caller: The guy that the guy that robbed the bank
Call Taker: Okay, he's in the car also
Caller: Yes
Call Taker: Okay, where are you at right now are you at the 7-11?
Caller: Yeah, I'm on the 7-11 hotline
Call Taker: All right, okay, is the FBI supposed to contact you?
Caller: Well we were keeping in contact and my cell phone went dead
Call Taker: All right, what's your name
Caller: Timothy King
Call Taker: All right, hold on just a minute okay
Caller: Uh, uh

At 1800 hours and 57 seconds caller was put on hold and call resumes at 1802 hours and 39 seconds.

Call Taker: Sir
Caller: Yes
Call Taker: Okay, all right we're notifying the, well actually we have detectives in that area so
Caller: Yeah, that's what I said I don't know if you all are working with the FBI or what
Call Taker: Okay, well we're notifying them. Do you see the car right now?

CASE STATUS: OPEN


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Caller: No, he's just been circling and circling and circling he's riding past these officers

Call Taker: All right, hold on just a second

The call from Detective Hodge on Channel 5 dispatch position 9 continuing at 1802 hours and 25 seconds.

Channel 5: Channel 5

D125: Hello

Channel 5: Hi, they said evidently the suspects driving around where you are. We had a call in on 911

D125: Okay

Channel 5: In a red vehicle the suspect's sister is driving the car

D125: In a red vehicle

Channel 5: Uh, uh let me see if I can get more. I think they still have him on the phone. I just wanted to get you immediately

D125: Okay, was it an anonymous 911 call or something?

Channel 5: Yeah, let me see if we can get more out of the person calling

Channel 5: (inaudible) You've got him on hold, who is it, he's working with the FBI [REDACTED], are you familiar with him?

D125: [REDACTED] no

Channel 5: Uh, uh. He said he's working with the FBI on this

D125: That's the caller?

Channel 5: Uh, uh

D125: Okay

Channel 5: And he's calling in on 911 right now. I have him on hold

D125: Are you sure, that their, can he identify the car?

Channel 5: Carol, what kind of car is that

Channel 5: What kind of red car is that?

CASE STATUS: OPEN



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Channel 5: It's a Civic, red Honda Civic
D125: Red Honda Civic
Channel 5: Um, um
D125: Yeah, we saw him go by (inaudible) once or twice
Channel 5: Yeah, [REDACTED] is the guy calling the suspects sister is driving she's a white female
D125: Okay, can he describe her?
Channel 5: They are just saying she's a white female
D125: Yeah, cause we got information that the female driver supposed to be a white female like 6 foot tall
Channel 5: I can put you on hold and go over to this guy
D125: If he can give a description of the female
Channel 5: Okay, I'll be right back with you
D125: All right
Channel 5: [REDACTED]
Caller: Yes
Channel 5: What's his sister look like?
Channel 5: She's a white female
Caller: Yeah
Channel 5: What build is she, is she tall?
Caller: Medium build, 5'5" 5'9"
Channel 5: 5'5" 5'9"?
Caller: 5'8" 5'9"
Channel 5: uh, uh
Caller: Um, that's all I know she's got, sort of shoulder length hair
Channel 5: What color is her hair?
Caller: Want to say dark brown
Channel 5: Okay, be right back with you, hang on
Channel 5: Shoulder length brown hair 5'5" 5'9" medium build
D125: Okay, okay we will let the FBI know

CASE STATUS: OPEN



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Channel 5: Okay, he should riding around your area, that's what he's saying, okay
D125: Okay, yep
Channel 5: Okay, thanks, bye
D125: Bye
Channel: Okay, I've given them all the information [REDACTED] Do you have
(inaudible) number we can reach you if we need you?
Caller: Like I said my phone is dead
Channel 5: I'm sorry what?
Caller: Like I said my phone is dead
Channel 5: Okay
Caller: All right
Channel 5: Okay, thanks
Caller: Bye

Time of 1811 hours and 29 seconds, call to Fire Department made from position 9.

Fire: Fire
Radio: Fire, need you at the intersection of Fort Smallwood and Marley Neck. I
have it now as
Fire: We have a call for unknown problem
Radio: Oh, you already have
Fire: We have Marley Neck Blvd at Fort Smallwood Rd for an unknown problem
Radio: Okay, I have FBI and my detectives out with, they've made an arrest there
and they are asking for Fire reference to an injury at that location
Fire: Okay, okay just an injury?
Radio: uh, uh
Fire: Okay
Radio: Okay, when I get more I'll let you know
Fire: Beg your pardon?

CASE STATUS: OPEN


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Radio: Okay, bye bye
Fire: Bye
Fire: Yeah police
Radio: That injured suspect
Fire: Subject from Marley Neck
Radio: It's going to be a gunshot wound and they are asking you to step it up
Fire: Okay
Radio: It's to the suspect, okay
Fire: Okay, it's a female correct, on the side of the road there, cause we got...?
Radio: Don't know if it's male or female
Fire: Okay, cause we got one that said it was a female just wanted to make sure we just had just one

Radio: Okay
Fire: Okay
Radio: Thanks, bye

Dispatch from Channel 5 E at 1802 hours and 07 seconds from call take position 10.

Channel 5: Radio to D125 need to you to 10-21
D125: 10-4

Description of vehicle dispatched at 1805 hours and 08 seconds.

FBI 1: FBI 1 to 125 red car headed north on 648
D125: 10-4
D125: Believe it's going to be a red Honda Civic male passenger female driver

CASE STATUS: OPEN


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15:00 Operational Briefing by Agent Hanburger

16:00 Meeting place eventually defined as the 7-11

17:58:43 Call Answered on phone position 6 (from F.B.I. informant Tim King)

18:00:57 Call put on hold

18:02:07 Channel 5 advises Det. Hodge to 10-21

18:02:25 Channel 5 advises Det. Hodge about caller on 911

18:02:39 Position 6 continues call with informant

18:03:05 Position 6 put call on hold

18:04:09 Channel 5 picks up 911 call

18:04:40 Channel 5 puts call on hold to speak to Det. Hodge

18:05:06 Channel 5 resumes 911 call

18:05:08 Agent Hanburger advises a red car headed north

18:05:18 Det. Hodge advises Agent Hanburger vehicle should be a red Honda Civic

18:05:25 911 call completed

18:07:54 2D3 inquiry after getting passed on traffic by F.B.I.

CASE STATUS: OPEN



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18:09:39 SA Kornek calls 911 to request EMS
18:09:58 Det. Hodge advises Channel 5 one in custody
18:10:32 Det. Hodge advises to start fire
18:11:29 Channel 5 calls fire
18:12:17 A119, PM18 dispatched
18:13:24 Channel 5 calls fire to advise to expedite, gunshot wound
18:15:57 A119 on scene
18:17:36 PM18 on scene
18:25 Trooper 8 dispatched
18:31 Trooper 8 en route
18:37 Trooper 8 on scene
18:43 Trooper 8 paramedic at victim's side
18:53 Trooper 8 departing scene
18:57 Trooper 8 arrival at Shock Trauma
18:58 Radio acknowledges Det. Hodge transporting female to CID

CASE STATUS: OPEN



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- 19:14 Trooper 8 clear hospital
- 19:16 Radio acknowledges Det. Hodge out at CID
- 20:39 Radio acknowledges Det. Hodge transporting female to scene

TRAFFIC STOP BY OFFICER R. MULL

- The officer was on a traffic stop when passed by agents

This detective spoke with Officer R. Mull, Northern District, in reference to this incident then asked him to write a supplement report recalling that evening's events to his knowledge. On March 27th, 2002, he wrote the following in a supplement report:

On 03-01-02 I was on a traffic stop on Marley Neck Blvd and Tanyard Cove. I had a civilian ride-along with me by the name of Shaun Knox. We had stopped this vehicle for speeding. As I was writing my citation I suddenly heard a siren and saw a white Buick go past me. Several minutes later I heard more sirens and saw three unmarked police vehicles go past me. I saw that one car was an unmarked Crown Victoria and the other vehicle was a blue Mustang. I recognized the blue Mustang because it belonged to Det. Hodge from C.I.D. I then called on my police radio and asked my dispatcher if there was something in our district that I needed to be aware of because I saw several unmarked police cars going past me with their emergency equipment. She stated that she did not know of anything at the time. Several minutes after I cleared traffic and I was notified by police communications that I needed to respond to Ft. Smallwood and Marley Neck Blvd. to assist C.I.D. with a traffic stop. My dispatcher advised that they were requesting a marked car.

CASE STATUS: OPEN


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Upon my arrival at location I saw a white male laying on the grass and a man kneeling next to him. From where I was standing I saw that the man kneeling next to the subject laying on the ground was applying some type of cloth on his face. At that point Det. Hodge advised me that the F.B.I. had just been involved in a shooting. I then called for my supervisor to respond to my location, for a shooting involving another agency. I then heard sirens coming to my location. Police communications also advised that Eastern District was responding to my location as well as the fire dept.

Throughout the evening of the above events I continued to handle traffic control until reserve officers arrived at my location several hours later to continue to handle traffic.

A copy of this report as well as a copy of the citation written by the officer are maintained within this case file. This detective reviewed the communications tape of Officer Mull's radio transmissions related to this incident and determined that he initially inquired about the passing cars at 18:07:54 hours, saying, "2D3 radio". Attempts to contact Shaun Knox (the officer's ride-along) at his telephone number, 410-757-2044, have not been successful at this writing, however, when this detective has an opportunity to speak with him, such will be documented in a supplement to this investigative report.

SUMMARY

The Allfirst Bank in Pasadena, Maryland, was robbed on February 20th, 2002, and the investigation fell into the hands of the Federal Bureau of Investigation. An Anne Arundel County Police detective provided the F.B.I. case agent, SA Lawrence Brosnan, with an individual having possible information about the robbery. This individual, [REDACTED] provided information leading the agent to believe that Michael J. Blottenberger committed the robbery in some capacity.

CASE STATUS: OPEN



Detective Debra E. Arduini 1004
Investigator I.D.#

Sgt. David D. Waltemeyer, Jr. 1026 
Supervisor I.D.#

ANNE ARUNDEL COUNTY, MARYLAND, POLICE DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
CRIMES AGAINST PERSONS SECTION
HOMICIDE UNIT

CONFIDENTIAL INVESTIGATIVE REPORT

<u>Offense / Incident</u> Shooting	<u>Victim / Business Name</u> Schultz, Joseph Charles	<u>Case Number</u> 2002-708878
<u>Date Written</u> 03/29/2002	<u>Victim / Business Address</u> 7912 Sea Breeze Drive Baltimore, Maryland 21226	<u>Original Date</u> 03/01/2002

Through investigation, the agent learned several facts which resulted in an Assistant United State's Attorney verbally granting the authority to arrest Blottenberger on the bank robbery:

- Blottenberger worked in the area of the theft of the getaway vehicle.
- Several persons believed Blottenberger was the suspect in the surveillance photographs.
- Blottenberger failed to show for work on the day of the robbery.
- Recovered airpistols and clothing linked to Blottenberger resembled those in the surveillance photographs.
- Admissions by Blottenberger [REDACTED] about his (Blottenberger's) involvement in the robbery.

On March 1st, 2002, with such arrest authority and [REDACTED] arranging a meeting with Blottenberger so that he (Blottenberger) can pick up clothing [REDACTED] so that he can flee the area, Agent Brosnan effected a plan to arrest Blottenberger by following [REDACTED] and surveilling the clothing exchange and arresting Blottenberger [REDACTED]. Agent Hanburger conducted an operational briefing at the Annapolis F.B.I. Resident Agency. In attendance were the F.B.I. personnel that would participate in the operation, to include five S.W.A.T. trained agents from the Calverton office.

Blottenberger was described to the agents and copies of a 1998 arrest photograph of him were distributed. The agents were also told that Blottenberger had told [REDACTED] that he would not go back to jail. A description of vehicles used by Blottenberger was also provided. The agents were communicating with their Bureau-issued radios and Nextel cellphones with telephone and "Direct Connect" capabilities. According to the agents, their radios were not effective during the operation, causing them to frequently resort to their phones. Two Anne Arundel County Police detectives also assisted in the surveillance detail.

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Agent Hanburger was the only F.B.I. member with an Anne Arundel County Police radio and the two detectives did not have F.B.I. radios or Nextel phones. Blottenberger told King that he would meet him at the 7-11 store on Route 648 at Marley Neck Boulevard and that he would be driven by a girlfriend thought [REDACTED] to be a girl with short red hair. He did not know what type or color of car she would be driving. [REDACTED] advised Agent Brosnan of this and Brosnan informed the other agents and detectives (by radio and by Nextel phone when the radio transmissions weren't acknowledged) who then initiated surveillance of that 7-11 store. [REDACTED] had also advised that Blottenberger might be wearing a white baseball cap as he normally does.

[REDACTED] was followed by agents as he left his Curtis Bay home, went to a bank and picked up a check from his boss, then went to the 7-11 store in his pickup truck. [REDACTED] entered the 7-11 store. Eventually, a red Pontiac parked next to [REDACTED]. It was observed by agents that the driver was a white female and the passenger was a white male with a white baseball cap. No agents were close enough to identify the male as Blottenberger, however they related that his physical descriptors were close to those of Blottenberger; white male, approximate height, weight and age, white baseball cap. The male passenger exited the car and went into the 7-11 store.

Agents got closer to the store and the male had re-entered the vehicle and the vehicle began to leave the lot. As they neared the vehicle, agents saw that the driver appeared to be a white female with red hair. According to the statement of Agent Sheafe, the male "stayed in the 7-11 for two to three minutes and appeared to meet briefly with [REDACTED]. Sheafe was the only agent that made such a statement. Also, according to Sheafe, another agent had advised other agents that [REDACTED] had met with the male subject in the store and that subject was leaving in a red vehicle.

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According to the agents, they believed that Blottenberger was the passenger in this red car based on the aforementioned confluence of circumstances. As a result, Agents Kornek and Stowe began following the red Pontiac down Marley Neck Boulevard toward Fort Smallwood Road, calling out reference points along the way. [REDACTED] meanwhile, had been keeping in alternating contact with Agent Brosnan and Blottenberger. [REDACTED] cellphone "went dead" and he then saw Blottenberger at the traffic light by the 7-11 store, being driven by his sister in her red Honda Civic.

[REDACTED] had gone into the store to use a telephone to relay this information as the surveillance was being conducted. He used a police hotline phone in the store and advised police communications that he was being followed by the F.B.I., that he was trying to help catch a bank robber. Dispatch established that two detectives were assisting in the operation described by [REDACTED] and, [REDACTED] related what car Blottenberger was in, dispatch relayed such to one of the detectives by telephone. The detectives attempted to radio this to Agent Hanburger. Before Hanburger acknowledged, he radioed to the detectives that Blottenberger was in a red car. The detectives radioed back that it should be a red Honda Civic. Kornek and Stowe had, over the radio, asked if the red vehicle that they were following (the Pontiac) should be stopped. Agent Hanburger answered, requesting the vehicle be stopped. Agent Hanburger was communicating by alternating between using his F.B.I. radio, a police radio and a Nextel phone.

As the Pontiac stopped at the traffic light on Marley Neck Boulevard at Fort Smallwood Road, Kornek and Stowe pulled up behind it in the F.B.I. Chevrolet Impala Kornek was driving and, according to them, activated their emergency visor lights, wig-wag headlights and siren. The Pontiac turned right and accelerated, according to the agents. The agents articulate that they believed the vehicle to be fleeing. The Pontiac was, however, in a merge lane and would need to accelerate to enter traffic as needed. Behind Agents Kornek and Stowe were Agents Sheafe (driving) and Braga in a white Buick Century. It was nearing dusk.

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Kornek then turned right and pulled around to the left of the Pontiac and nosed the car over to the side of road and it stopped just where the merge lane ends and becomes a shoulder. Sheafe and Braga were behind the Pontiac. Kornek stopped his car and he took his rifle and ran behind his car to the driver's door. Stowe exited the passenger side of the car and ran in front of the Pontiac with his rifle first pointed at the female driver then the male passenger, allegedly shouting for them to show their hands.

Agent Braga exited Sheafe's car with a rifle and went to the passenger side of the Pontiac. Sheafe did not get to the car prior to a shot being fired. The two agents at the passenger door were yelling "Police" and "F.B.I." and demanding the occupants show them their hands. Stowe then looked through to the driver, demanding she unlock the doors which he had found to be locked. Stowe believed Braga to be "covering" the passenger with his weapon at the time. Stowe said that he never saw any threat that would have caused him (Stowe) to shoot his weapon, however, he was not looking at the passenger. A "pop" sound was heard and the passenger window shattered as Braga discharged his rifle. The passenger was covered in glass and blood and was screaming. He was pulled out of the car and handcuffed. The female driver was also taken out of the car and eventually handcuffed. Agent Braga said that he shot the passenger in the head.

The passenger was soon identified as being Joseph Schultz and not Michael Blottenberger. He was provided immediate medical attention as Sheafe, a paramedic, began treating him. Kornek called "911" and requested medical assistance. Other agents and detectives arrived and a detective radioed for medical assistance. The agents related that they initially weren't sure if the victim was hit with a bullet or glass. Schultz was taken to Shock Trauma and eventually underwent surgery and was released days later. At the hospital, he told a nurse he was shot as he reached to unlock his door. Schultz told detectives later that the agents yelled, identifying themselves as F.B.I. and demanding that he and his girlfriend, Kristen Harkum, keep their hands where they could be seen.

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CRIMES AGAINST PERSONS SECTION
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He said that he complied and began to reach over to unlock the door when he was shot. Initially, he had stated that he was reaching to the right and back to unlock the door using the knob on the top rear part of the door, however, he later stated that he was turning to the right to unlock the door but didn't make it to a locking mechanism when he was shot. (NOTE: Referring to page 86 of this report, the vehicle does not have such a mechanism on top of the door). It should also be noted that the victim and his girlfriend seem to only have observed the Stowe/Kornek vehicle and not the Braga/Sheafe vehicle behind them. Their recollections involve only Stowe and Kornek and it seems that the victim may believe that the passenger of the car on their left (Stowe) was the agent who had shot him. According to Sheafe, who was behind the Pontiac, Kornek was on the Pontiac's driver's side, Stowe was to the front right of the passenger side at approximately a forty-five degree angle to the front bumper and Braga was either parallel to, or slightly behind, the Pontiac's passenger door.

According to Sheafe's statement: *After the patient was evacuated, I asked SA Braga about what had transpired. He advised that the subject had not complied with SA Stowe's and his verbal commands to show his hands, and had instead reached toward his waist on several occasions. SA Braga said this action put him in fear for his life as well as that of SA Stowe. According to SA Braga, he could see that SA Stowe was directly in the subject's line of fire, as he (Stowe) was positioned in front of SA Braga. Therefore, SA Braga stated he shot the subject in an attempt to eliminate the threat.*

At this writing, Agent Braga has not made any formal statements about what had occurred. It should be noted that the metal and plastic seatbelt guide on the Pontiac's passenger side front door was shattered. It is quite possible that the discharged round struck that object after passing through the glass window. It has also been found that the bullet fragmented at some point. Investigation has not, as of this writing, revealed why Agent Braga discharged his weapon.

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This report will be made a part of the original case file in which all original documents will be maintained. The results of this investigation are being provided to the Office of the State's Attorney for Anne Arundel County, Maryland, for their review.

THIS CONCLUDES ALL INVESTIGATIVE EFFORTS
MADE THROUGH MARCH 29th, 2002.

ANY ADDITIONAL INFORMATION WILL APPEAR IN
SUPPLEMENTAL INVESTIGATIVE REPORTS.

CASE STATUS: OPEN


Detective Debra E. Arduini 1004
Investigator I.D.#


Sgt. David D. Waltemeyer, Jr. 1026
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FBI
Shooting Incident Report
Summaries

2002

UNITED STATES DEPARTMENT OF JUSTICE
Federal Bureau of Investigation

Copy to:

Report of:
Date:IIP [REDACTED]
03/08/2002

Office:

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Case ID #:

279-HQ-A1270951 Sub D

Title:

SHOOTING INQUIRY
REPORT OF SHOOTING INCIDENT
BALTIMORE DIVISION
MARCH 1, 2002

Character:

ADMINISTRATIVE INQUIRY

Synopsis:

This shooting incident occurred on 03/01/2002, at approximately 6:10 p.m., in Anne Arundel County, Maryland, while Federal Agents and Anne Arundel County Police Department (AACPD) Officers attempted to arrest an individual they believed to be an armed and dangerous bank robbery subject named [REDACTED]

[REDACTED] is described on his Maryland drivers license as a white male, 5'8", 180 lbs, DOB; [REDACTED] FBI number [REDACTED]. The individual who was shot was not the subject and was identified as [REDACTED]

[REDACTED] is described on his Maryland drivers license as a white male, 5'11, 160 lbs, DOB; [REDACTED]

DETAILS:

On Wednesday, 02/20/2002, at approximately 9:42 a.m., a lone, unidentified, white male entered the Allfirst Bank, located at 8493 Ft. Smallwood Road, Pasadena, Maryland 21122. This bank is insured under the provisions of the Federal Deposit Insurance Corporation (FDIC). This individual walked up to a bank teller and yelled words to the effect "Get down on the floor." The bank teller and all others in the bank complied and got down. The bank teller complied with the bank robber's demands and began to furnish him money from her teller drawer. As the bank teller gave the money to the bank robber, the bank robber pointed a silver or nickel and black pistol in the teller's face. The bank robber then proceeded to the next teller and shouted words to the effect " Give me your

money. You've got ten seconds or I'll blow your fuckin' brains out." This teller complied with the robber's demands and described seeing a silver semiautomatic pistol pointed at her. The bank robber grabbed \$26,324.00 in U.S. currency and immediately exited the front door of the bank. Witnesses described the bank robber as a white male; 5' 7" to 5' 10"; medium to large build; wearing a blue or black ski mask covering his face, except for cuts for his eyes; a dark green sweatshirt; black gloves; carrying a silver/nickel and black handgun. Witnesses saw the bank robber jump into the passenger seat of a dark green, Ford Ranger pickup truck with lettering "Bonded and insured [redacted] on the side. The pickup was later recovered by the AACPD.

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SA [redacted] of the Annapolis Resident Agency (ARA), of the Baltimore Division was assigned as the case agent for this bank robbery. On 02/20/2002 SA [redacted] interviewed [redacted] the owner of the dark green Ford Ranger pickup, and determined that [redacted] had loaned the pickup truck to his neighbor, [redacted] on the evening of 02/19/2002. [redacted] on the morning of 02/20/2002 could not find his pickup truck and contacted [redacted] to find out where he had parked the truck. [redacted] showed [redacted] where he had parked the vehicle and they both realized that it was missing. SA [redacted] interviewed [redacted] on 02/20/2002, and [redacted] denied any involvement in the Allfirst Bank robbery.

On 02/26/2002, SA [redacted] was contacted by Detective [redacted] AACPD, and advised that an individual who requested anonymity had called him and told him that [redacted] had recently robbed a bank in the Pasadena, Maryland area. The caller also advised that [redacted] was a crack and heroin addict and had recently gotten out of jail. The caller also stated that a [redacted] LAST NAME UNKNOWN (LNU) was also involved.

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SA [redacted] obtained a picture of [redacted] and the bank surveillance photographs and showed them to four different individuals. All four believed the subject in the bank surveillance photographs to be [redacted] advised that [redacted] resided in the basement of [redacted] residence. [redacted] advised SA [redacted] that [redacted] had not worked 02/20/2002 and he was not home the evening of 02/19/2002. [redacted]

On 03/01/2002, at approximately 12:07 a.m., [redacted] contacted SA [redacted] and advised him that [redacted] had [redacted] (LNU). [redacted] and [redacted] went to a bar across from the residence to talk and [redacted] told [redacted] that he had committed a felony. [redacted] asked [redacted] whether or not he had robbed a bank? [redacted] responded [redacted] whereupon [redacted] told [redacted] he had to turn himself in. [redacted] said [redacted] told [redacted] house. [redacted] became very emotional and tearful. [redacted] allowed [redacted] to come into [redacted] While in the house [redacted] received a telephone call from [redacted] who told [redacted] that the FBI was looking for him. [redacted] advised SA [redacted] that as [redacted] and [redacted] (LNU) were leaving the residence, [redacted] (LNU) drove up and seemed paranoid, asking what [redacted] had told [redacted] told [redacted] to leave and never return. [redacted] advised SA [redacted] he heard [redacted] ask [redacted] (LNU) if he had the money. [redacted] (LNU) replied "Yes."

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On 03/01/2002, shortly after [redacted] departed from [redacted] residence, [redacted] proceed to look through the common area of her home. [redacted]

[redacted] SA [redacted] and Officer [redacted] from the Baltimore City Police Department each received a call from [redacted] at approximately 1:45 a.m. about the pistols and responded to [redacted] residence. At approximately 2:07 a.m. Officer [redacted] turned the air pistols over to SA [redacted] SA [redacted] received consent to search the common area of the basement. He recovered [redacted] green NIKE sweatshirt and grey sweatpants (clothing worn by the bank robber depicted in bank surveillance videotape).

On 03/01/2002, at sometime between 8:15 a.m. to 9:00 a.m., [redacted] (LNU) contacted SA [redacted] and [redacted] recognized the caller's voice as [redacted] who SA [redacted] had previously arrested for bank robbery a few years earlier. [redacted] admitted knowing [redacted] but he did not know what kind of trouble [redacted] was in. [redacted] denied any involvement in any crimes with [redacted] declined to say anything else and stated he would contact SA [redacted] later, possibly with an attorney.

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Following the conversation SA [redacted] contacted AUSA [redacted]. He advised him of the evidence he had recovered and his conversations with [redacted] and [redacted]. AUSA [redacted] granted verbal authority to arrest [redacted] and told SA [redacted] that he was assigning the case to AUSA [redacted]. SA [redacted] contacted AUSA [redacted] provided a verbal overview of the events, drafted and faxed a copy of an affidavit for the arrest of [redacted] charging him with robbery of the Allfirst Bank, Pasadena, Maryland, on 02/20/2002. AUSA [redacted] advised SA [redacted] they would have an arrest warrant for [redacted] signed later that afternoon.

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On 03/01/2002, at approximately 1:45 p.m., [redacted] contacted SA [redacted] and advised him that [redacted] had telephonically contacted [redacted] and requested a meeting with [redacted]. [redacted] asked [redacted] to bring [redacted]'s personnel belongings, including items located in the washing machine, to the meeting because he "heard the FBI was looking for him" and he was going to flee. [redacted] and [redacted] agreed that [redacted] would call again at 4:00 p.m., and meet after, possibly in the Glen Burnie, Maryland area.

[redacted] described [redacted] to SA [redacted] as sounding hysterical, crying and heaving, and an emotional mess. [redacted] told SA [redacted] he had spoken to [redacted] mother and they both agreed that [redacted] may be suicidal. [redacted] had told them he would not go back to prison. From 02/28/2002 through 03/01/2002, [redacted] had several conversations with [redacted] as well as [redacted] mother, [redacted]. As a result of those conversations, [redacted] felt that [redacted] was very depressed and heavily using drugs. [redacted] also felt [redacted] was depressed because 03/01 was the anniversary of [redacted]'s father's death. From [redacted] discussions with [redacted] learned that [redacted] felt strongly that this arrest situation with [redacted] would end in some type of murder/suicide situation. [redacted] told [redacted] that [redacted] did not want to return to jail and that he was desperate.

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SA [redacted] telephonically contacted AUSA [redacted] and related the conversation he had earlier with [redacted]. AUSA [redacted] agreed on the exigent circumstances and authorized the arrest of [redacted] at the planned meeting with [redacted] later that day. The actual arrest warrant had not yet been signed.

SA [redacted] then spoke with Acting Supervisory Special Resident Agent (A/SSRA) [redacted] regarding the exigency of the situation and the need to execute an arrest. SA [redacted]

noted that AUSA [redacted] had concurred with this decision. SA [redacted] told A/SSRA [redacted] that based upon review of an NCIC printout and source information, [redacted] was believed to be Armed and Dangerous (A&D), a crack head and heroin addict, and there was strong evidence that he might flee the area.

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A/SSRA [redacted] agreed to go ahead with the arrest. On 03/01/2002 at approximately 2:15 p.m., A/SSRA [redacted] attempted to contact Assistant Special Agent in Charge (ASAC) PETER BRUST, however, BRUST was not in the office. A/SSRA [redacted] telephonically contacted Acting/Assistant Special Agent in Charge (A/ASAC) [redacted] and verbally advised him of the situation. On 03/01/2002, SSA [redacted] was the Acting ASAC of the Calverton Resident Agency. SSA [redacted] was the A/ASAC from 02/18/2002 to 03/01/2002 because ASAC BRUST was out of the Baltimore Division.

A/SSRA [redacted] and SA [redacted] called A/ASAC [redacted] from the ARA, on a speaker phone.. A/SSRA [redacted] advised A/ASAC [redacted] that SA [redacted] was working on a bank robbery investigation and a suspect had been developed. A/SSRA [redacted] requested several agents from the Calverton RA to assist with the arrest. SA [redacted] advised A/ASAC [redacted] that he received oral authorization from the USA's Office to make a probable cause arrest and that he had completed the affidavit. SA [redacted] advised A/ASAC [redacted] that he had conducted a consent search at the suspect's residence and two air pistols had been recovered from the house. SA [redacted] believed that one of the air pistols recovered was the same pistol used in the bank robbery.

During this conversation, A/ASAC [redacted] asked A/SSRA [redacted] if an Operational Plan (OPS) had been written. A/SSRA [redacted] told A/ASAC [redacted] that there was no written plan. A/ASAC [redacted] instructed A/SSRA [redacted] to fax him an OPS plan, as well as the affidavit. A/ASAC [redacted] told A/SSRA [redacted] that he would send five SAs from the Calverton RA to attend the briefing at the ARA. A/ASAC [redacted] specifically instructed A/SSRA [redacted] to ensure that all the SAs participating in the arrest get a complete briefing. A/SSRA [redacted] advised A/ASAC [redacted] an OPS plan would be prepared and faxed to him.

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A short time later, A/ASAC [redacted] received another call from A/SSRA [redacted] and SA [redacted]. SA [redacted] provided more details to A/ASAC [redacted]. SA [redacted] advised that [redacted] would be talking to [redacted] around 4:00 p.m., and there was a good possibility that [redacted] could lead the FBI to [redacted]. A/ASAC [redacted] advised A/SSRA [redacted] that he had not received the faxed copy of the OPS plan. A/ASAC [redacted] told A/SSRA [redacted] that he had verbal approval for the operation, but that he needed

him to fax the OPS plan prior to going out.

SSA [redacted] contacted SAs [redacted] and [redacted] and instructed them to attend an arrest briefing at the ARA at 3:00 p.m.

SA [redacted] prepared a hand written information sheet for distribution to the SAs participating in the surveillance/arrest. The sheet included a photograph of [redacted] a brief physical description, and a description of vehicles used by him. SA [redacted] also prepared a handwritten OPS plan, and attached the arrest affidavit, and an NCIC report he received on 02/26/2002. These items, and a copy of the affidavit were given to A/SSRA [redacted]

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The arrest was planned to be a static event when [redacted] met [redacted] at the Days Inn parking lot. In order to protect the relationship between the FBI and [redacted] both [redacted] SA [redacted] then left the building. Outside the RA, SA [redacted] conducted a radio check with the RA while in his Bureau car. The radio operator advised he was being heard "5 by 5" on both the FBI radio and hand-held radio. The radio check was conducted in the private mode.

On 03/01/2002, at approximately 3:00 p.m. an arrest briefing was conducted at the ARA. The briefing was lead by A/SSRA [redacted] and SA [redacted]. Also present at the briefing were: SAs [redacted]

[redacted] and ARA secretary [redacted]. The case agent, SA [redacted] did not attend the briefing. SA [redacted] provided information during the briefing via his Nextel telephone, while he was taking care of logistical matters and talking to the cooperating witness [redacted]

Prior to the briefing, SA [redacted] reviewed the OPS plan and suggested to A/SSRA [redacted] that he attach a photograph of [redacted] which he agreed to do. The OPS plan was passed around the table but each SA did not receive a copy. SA [redacted] briefed that the anticipated location where [redacted] and [redacted] were to meet was the Days Inn, located across from the Motor Vehicle Administration building, Route 2, Glen Burnie, Maryland. (This was approximately 30 to 40 minutes driving time from the ARA. The SAs stated they felt they were pressed for time to complete the briefing and other preparations in order to be at the motel by 4:00 p.m.)

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As a long time member of the SWAT team, SA [redacted] was experienced in giving tactical briefings. He did not use the handwritten Ops plan to make the briefing. SA [redacted] began the briefing by thanking the SAs for their assistance and provided the background on the investigation. SA [redacted] provided the following information: Based upon the bank surveillance photograph and witness descriptions provided by SA [redacted] the bank robber suspect was a white male, 5'8", wearing a ski mask, age estimated between mid-20's and early 30's, using a handgun and a stolen pickup truck. [redacted] had been in recent communication with the suspect, [redacted] and appeared to be in a position to help locate him. [redacted] would be driving a 1991, green, Ford Ranger pickup truck.

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At the time of the briefing, SA [redacted] did not have [redacted] physical or clothing description, but obtained it after the briefing and relayed it to the arresting team by FBI radio. SA [redacted] "Xerox" copies of a 1998 arrest photo of the [redacted] which were passed out to every SA. The picture in the copies measured approximately 4" x 5" or 5" x 7" and was suitable for identification purposes. [redacted] was also characterized as possibly suicidal. The suicidal characterization was based on [redacted]'s (mother) and [redacted] description of [redacted] during several conversations he had with him on 03/01/2002. [redacted] criminal history was also passed around. The criminal history showed that [redacted] had been arrested for assault and attempted murder. SA [redacted] told the group that [redacted] had stated to [redacted] and [redacted] (mother) that he would not go back to jail. (The latter statement had been conveyed to SA [redacted] by SA [redacted] earlier in the day.)

SA [redacted] continued the briefing by telling the arrest team that [redacted] wanted to meet [redacted] at approximately 4:00 p.m. and SA [redacted] was setting up the meeting. The meeting was expected to take place in Glen Burnie, Maryland. Staging for the operation would take place at the Days Inn, across from the Motor Vehicle Administration building, Route 2. The FBI communications frequency would be repeater channel F-3, which covers the southern portion of the ARA territory. The alternate communications medium was to be Nextel cellular telephones. No alternate FBI radio frequency was designated. The situation on the street could be expected to be dynamic and fluid and it was uncertain whether [redacted] would in fact meet with [redacted]. SA [redacted] advised the SAs that SA [redacted] had retrieved from [redacted] residence a sweat shirt and pellet guns, which were subsequently determined through a review of the bank robbery tapes, to be similar to the clothing and weapon used

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by the bank robber. SA [redacted] described the behavior of the bank robber in the bank, which included waving a gun and using profanity, and told the team that he should be considered armed and dangerous (based upon use of the handgun during the commission of the bank robbery).

The possibility of a stationary vehicle arrest was addressed during the briefing. The plan was: In the event a positive identification was made of [redacted] the team would come in, block his vehicle, and effect the arrest. Specific duties of arrest team members were not made due to the uncertainty of the situation. No specific positive identification signal, on the part of [redacted] or an SA, was established. No person, including [redacted], was designated with the responsibility of positively identifying [redacted]. Protocol regarding positive identification of [redacted] was not addressed. Although SA [redacted] did not brief this detail, he expected SA [redacted] would make the positive identification of [redacted] and call it out to the arrest team.

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SA [redacted] told the group he needed logical surveillance points covered including north and south of the meet location on both sides of the divided highway. SA [redacted] advised that AACPD detectives would be at this location providing assistance in the operation. Someone asked the description of [redacted] vehicle. SA [redacted] responded that it was unknown. Another person asked whether he was still armed. SA [redacted] responded that he did not know but that he should be considered armed and dangerous due to the nature of the crime charged.

Although there was no formal designation, SA [redacted] assumed the role of team leader. The Principal Relief Supervisor, SA [redacted], was present in his role as A/SSRA, since the ARA supervisor was on leave.

SA [redacted] took additional copies of the "Xerox" pictures of [redacted] called AACPD Detective [redacted] and advised him they were en route to the operational meeting location where they would rendezvous with him. SA [redacted] volunteered to position the arrest team personnel at the meeting location.

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For communication, the SAs and police involved used Nextel cellular telephone, an AACPD handheld radio (trunked system that only SA [redacted] possessed), and a FBI radio set on simplex frequency channel D-4. SA [redacted] directed the arrest team to keep radio communications to a minimum. During the

entire operation, significant communication problems on the FBI radio were encountered. These problems were characterized as transmissions apparently not being received and team members not always receiving acknowledgment of their transmissions. According to the SAs statements it was unusual for so many transmissions not to be acknowledged.

The Calverton RA SAs paired into the following vehicles; SA [redacted] in his vehicle; SA [redacted] and SA [redacted] in SA [redacted] vehicle; SA [redacted] and SA [redacted] in SA [redacted] vehicle until they changed to SA [redacted] vehicle when he left to handle a personal matter. The ARA SAs used their assigned RA vehicles; SA [redacted] which had an AACPD radio, SA [redacted] and SA [redacted] in their own vehicles, and later SA [redacted] joined SA [redacted] to help him communicate, and A/SSRA [redacted]. Two AACPD Detectives, [redacted] and [redacted] were together in an unmarked AACPD vehicle, a blue Ford Mustang. There were no marked police vehicles participating in the operation.

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Some time after 3:00 p.m., A/ASAC [redacted] called the Baltimore Field Office looking for SAC LYNNE A. HUNT. A/ASAC [redacted] spoke with the SAC Secretary, [redacted] Ms. [redacted] advised that SAC HUNT was attending a police graduation ceremony in Westminster. A/ASAC [redacted] asked Ms. [redacted] if SAC HUNT needed to approve single arrest OPS plans. Ms. [redacted] indicated that SAC HUNT did not require single arrest plans be approved by her.

A/SSRA [redacted] advised that the arrest team departed the ARA at approximately 3:40 p.m. A/SSRA [redacted] stayed behind to pencil in additional information onto the OPS plan, have it typed, and then faxed to A/ASAC [redacted] in the Calverton RA for his review and approval. The OPS plan utilized during the arrest briefing was faxed to A/ASAC [redacted] at 3:40 p.m. A/SSRA [redacted] noted that he kept the original OPS plan and made modifications to it regarding radio call signs and additional information concerning changes in personnel, rendezvous points and vehicles. He further noted the modified OPS plan was never provided to A/ASAC [redacted] however, A/ASAC [redacted] later saw a copy of the OPS plan with [redacted] hand written notes on it. A/SSRA [redacted] maintained the modified OPS plan in order to forward the original to the case file.

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At 3:46 p.m., A/ASAC [redacted] received a fax from the ARA that contained an arrest OPS plan and an affidavit for a complaint. A/ASAC [redacted] reviewed the OPS plan and saw that the plan did not have any SAs assigned to specific duties. He could not remember if he instructed A/SSRA [redacted] to make specific assignments.

En route to the meeting location, SA [redacted] realized that repeater frequency channel F-3 would not work and started calling the SAs to switch to the main ARA repeater, channel F-1. It was determined that channel F-1 would not work either and resorted to simplex channel D-4, once everyone arrived at the meeting location. One of the SA's radio dropped its privacy code and everyone switched to the clear mode. Everyone had a Nextel cellular telephone with the exception of the AACPD detectives, who had another type of cellular telephone. A Nextel group was not established for the arrest team, however SA [redacted] had direct connect capability of all SAs on the arrest team. A communications check was effectively made of all personnel at the meeting location, including the AACPD detectives. SA [redacted] used a handheld AACPD radio in his vehicle to communicate with the AACPD detectives.

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The group was having a difficult time communicating with SA [redacted] on channel D-4 since he was in the Curtis Bay area approximately 10 miles away. At the time, SA [redacted] was covering [redacted] in anticipation of the meeting with [redacted]. There was a hill between SA [redacted] and the arrest team, so SA [redacted] and SA [redacted] traveled separately towards SA [redacted] location in order to better be able to communicate with him. SA [redacted] actually traveled to SA [redacted] location.

SA [redacted] learned from SA [redacted] and relayed to the team, that the meeting would likely take place in the vicinity of the Sun Valley Shopping Center, Highway 648 and Mountain Road. No specific time was provided for the meeting. SA [redacted] was alone in his vehicle, alongside of AACPD Detectives [redacted] and [redacted] who were in an unmarked AACPD vehicle. SA [redacted] directed SAs [redacted] and [redacted] to go to the Sun Valley Shopping Center to get familiarized with the area. Detectives [redacted] and SA [redacted] also relocated to the shopping center. There were ongoing communication updates between SAs [redacted] A/SSRA [redacted] and the rest of the team.

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Sometime around 4:00 p.m. [redacted] contacted SA [redacted] on his Nextel and advised that [redacted] had called and would send his girlfriend to pick-up the duffel bag filled with his clothes.

Following this conversation, [redacted] contacted SA [redacted] on the Nextel phone to ask what was going on. [redacted] was an associate of [redacted] who SA [redacted] had arrested for bank robbery a few years earlier. [redacted] was also suspected of being involved in the Allfirst bank robbery with [redacted]. SA [redacted] believed [redacted] was in contact with [redacted].

[redacted] so he told him "nothing" and that he was going home. SA [redacted] then called [redacted] and instructed him to call [redacted] back in order to convince him to come in person for his clothes, money, and to say good-bye.

Shortly after this conversation [redacted] called again and advised [redacted] would meet him. [redacted] said he would be driven in a car by a girlfriend. [redacted] advised the person could be [redacted] (LNU), who was with [redacted] the night before. [redacted] (LNU) was described by [redacted] as having short, red hair. [redacted] did not divulge the make and model of the car he would be driving in.

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SA [redacted] then contacted SA [redacted] via Nextel Direct-Connect and advised of the intended location for the meeting. SA [redacted] transmitted the meeting location information over the FBI radio. For those of the team who did not acknowledge, he contacted them via Nextel Direct-Connect. He advised them that [redacted] was being driven in a car by a possible redheaded, white female. [redacted] advised that [redacted] could be wearing a white baseball cap, as was his custom. The make and model of the vehicle [redacted] would be in was unknown. SA [redacted] was relaying information he received from SA [redacted] while SA [redacted] spoke to [redacted] on his Nextel phone.

At approximately 5:15 - 5:30 p.m., SA [redacted] reported that [redacted] had started driving from the Curtis Bay area, where [redacted] lived, to meet his "boss" and was planning to then meet with [redacted] at the 7-11 store. SA [redacted] who was riding with SA [redacted] provided a further description of the pickup [redacted] was in, and a description of the clothes worn by [redacted] which SA [redacted] relayed to the rest of the team. (During this general time frame, SA [redacted] received the following basic description of [redacted] which he relayed to the team by FBI radio: White male, mid-20's, 5'8" - 5'9". SA [redacted] was talking to the AACPd detectives, who were parked next to him, and they heard the description.) SA [redacted] reported that he was surveilling [redacted] pickup and that [redacted] was going to meet [redacted] at the 7-11 store on Route 648, at the intersection of Marley Neck Boulevard, in the vicinity of Glen Burnie.

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SA [redacted] SA [redacted] and SA [redacted] followed [redacted] to the First Union Bank located on South Route 2 and Ordnance Road, where he met his boss, and picked-up his pay. [redacted] left the bank and drove to the 7-11 store where he and [redacted] had agreed to meet. The other SAs proceeded to the area of the 7-11 store.

At approximately 5:45 P.M. [redacted] arrived in the area of the 7-11 store. As [redacted] was pulling up to the intersection of Route 648 and Marley Neck Road, and preparing to make a left turn onto Marley Neck Road, [redacted] observed [redacted] in a red Honda, Civic being driven by [redacted] sister. [redacted] was sure that [redacted] had seen him as well. [redacted] proceeded into the 7-11 store parking lot. [redacted] tried to notify SA [redacted] by phone, but [redacted] cell phone went dead. [redacted] vehicle did not return to the 7-11 store.

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At approximately 5:45 p.m. SA [redacted] observed [redacted] drive into the 7-11 store parking lot in the Ford Ranger pickup truck. SA [redacted] further observed [redacted] exit his vehicle and enter the 7-11 store. About 5:50 p.m., SA [redacted] and SA [redacted] observed a late model, red vehicle (later identified as a Pontiac Grand Am) drive into the 7-11 store parking lot. SA [redacted] called out over the radio that a red vehicle had just pulled up to the 7-11 store and parked next to [redacted] truck. SA [redacted] observed a white male wearing a white baseball cap exit the passenger side front seat of the vehicle and enter the 7-11 store. The white male who had exited the red vehicle, stayed in the 7-11 store for two to three minutes and appeared to meet briefly with [redacted] before exiting the 7-11 store and re-entering the red vehicle. SA [redacted] came to the conclusion that the subject had possibly interacted with [redacted], as he could clearly observe that they stood in close proximity to each other within the 7-11 store and appeared to have contact.

[redacted] had gone inside of the 7-11 store in order to use the phone. [redacted] asked the clerk if he could use the phone. The clerk told him to use the pay phone, however, the pay phone was being used by someone. [redacted] told the clerk he needed to call 911 and the clerk allowed him to use the phone.

SAs [redacted] and [redacted] indicated that they could see the red vehicle. From their vantage point across the street, it appeared to SAs [redacted] and [redacted] as though the white male passenger fit the physical description of [redacted]. SA [redacted] advised they made this assessment because the passenger appeared to be a white male, approximately the same height, weight and age as [redacted] and was wearing a baseball cap, as was [redacted]'s habit according to the briefing. SA [redacted] and SA [redacted] could not see the driver of the vehicle, as their line of sight was obstructed by [redacted] truck. They advised SA [redacted] of the presence of the vehicle and its occupants, and requested he make an attempt to observe the driver. As SAs [redacted] and [redacted] began to move in the direction of the 7-11 store, they heard on the FBI radio that the subject was in a "red car."

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They observed a red car and its occupants exiting the west entrance/exit of the 7-11 store parking lot. This vehicle was driven by a red-haired, white female. The passenger was a white male wearing a white baseball cap. SA [redacted] didn't know who called out over the radio, but heard instructions to "Follow the red car . . . don't lose it."

[redacted] called 911 and spoke with a dispatcher. [redacted] told the 911 dispatcher he was working with the FBI and he was helping them catch [redacted] told the dispatcher to notify the FBI and tell them that [redacted] was a passenger^{b6} in a red Honda in the vicinity of the 7-11 store located at Rob^{b7C} 648 and Marley Neck Road. [redacted] hung-up with the dispatcher, picked-up a soda, and waited inside the store. A minute or two later [redacted] observed several unmarked police vehicles with their emergency lights flashing and sirens activated. The vehicles were traveling north on Marley Neck Road. [redacted] was sure this was related to the arrest of [redacted]

AACPD Detective [redacted] reported that he and Detective [redacted] received a call on channel E on their AACPD radio, from the county dispatcher, that a [redacted] or [redacted] had called 911 and advised he was working with the FBI, and a subject they were looking for was driving around a 7-11 store in a small red car. Detective [redacted] immediately telephonically called the dispatcher to obtain more information. The dispatcher informed him that she had received a 911 call from a male who said that he was working for the FBI and "the bad guy...the one you're looking for, just drove by the 7-11 in a red Honda driven by his sister." While [redacted] was on the telephone with the dispatcher, SA [redacted] contacted them over the AACPD radio and told them the subject was in a red car traveling north on 648.

Due to radio transmission difficulties, A/SSRA [redacted] called SA [redacted] on his Nextel and told him to communicate in the clear on channel D-4.

SA [redacted] subsequently advised that the driver was a red-headed white female. Although SA [redacted] is certain SA [redacted] provided the team with the description of the red headed female, SA [redacted] did not know whether the information was conveyed over the Nextel or the FBI radio.

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SAs [redacted] and [redacted] stated in their Sign Sworn Statements that they firmly believed that [redacted] was in the red vehicle to which SA [redacted] was referring. SA [redacted] believed he heard SA [redacted] broadcast over the FBI radio to the team, "That's the car." SA [redacted] did not report any positive

contact with [redacted] nor did he receive any positive confirmation that [redacted] had been at the 7-11 store. However, there was no question in SA [redacted] mind that [redacted] was probably in the red car which had been parked adjacent to [redacted] pickup truck at the 7-11 store; that this vehicle was now moving on Highway 648 northbound; and that it needed to be followed. This conclusion was based on the following: [redacted] had reported that [redacted] would be at the 7-11 store, in a vehicle, with a female with red hair; a vehicle was observed driven by a female parked next to [redacted] pickup truck at the 7-11 store; and the white male got into the passenger side of this vehicle. He did not remember anyone saying that the white male had a ball cap on.

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SA [redacted] broadcasted that the red vehicle was exiting the 7-11 store parking lot and was turning right on Marley Neck Boulevard. SAs [redacted] and [redacted] called SA [redacted] via the Nextel and told him to follow the red vehicle. SA [redacted] said he advised them they did not know who was in the car. SA [redacted] heard SA [redacted] on the radio say that he did not know if the passenger was the subject, meaning [redacted] but to just follow the car. Inasmuch as [redacted] remained missing from his parked car, SA [redacted] remained circling the area around the 7-11 store location, waiting for [redacted] to return to his vehicle.

SAs [redacted] and [redacted] were temporarily prevented from following the red vehicle. They were parked in a lot on the opposite side of the street and were unable to safely enter the roadway and negotiate a right turn onto Marley Neck Boulevard. Upon entering the roadway and making the turn onto Marley Neck Boulevard, SAs [redacted] and [redacted] joined the lead FBI vehicle, which was ahead of them following the red vehicle. SA [redacted] was the driver of [redacted] s vehicle and SA [redacted] was his only passenger, positioned in the front passenger seat. The lead FBI vehicle, SA [redacted] vehicle, contained, SAs [redacted] and [redacted] SA [redacted] was not in the car as he had left earlier to attend to a personal commitment. SA [redacted] was the driver of SA [redacted] vehicle, and SA [redacted] was in the front passenger seat.

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SA [redacted] broadcasted that the red vehicle was traveling north on Marley Neck Boulevard. SA [redacted] continued broadcasting various reference points including calling out a marked police patrol car which had made a traffic stop on Marley Neck Boulevard. SA [redacted] came up on SA [redacted] vehicle, which was behind SA [redacted] vehicle. Neither vehicle were broadcasting any radio traffic. SA [redacted] had his emergency lights activated.

A/SSRA [] advised that once the red vehicle began moving, he attempted to catch up to the other vehicles, as he was further away than the others. Once A/SSRA [] arrived at the intersection of Route 648 and Marley Neck Boulevard, he saw SA [] vehicle, a Crown Victoria, in front of him with his lights and sirens on. A/SSRA [] assessed from the radio traffic that the occupants of the subject vehicle were not pulling over.

SA [] broadcasted on the FBI radio that they were approaching a red light at the intersection of Marley Neck Boulevard and Ft. Smallwood Road. SA [] then broadcasted on the FBI radio, "They are at the red light. Do you want us to initiate a vehicle stop?" SA [] paused, waiting for SA [] to respond. (SA [] could not remember SA [] making any radio transmissions after the departure from the 7-11 store.) When SA [] did not respond, SA [] answered, "Yes, go ahead if you think you can."

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A/SSRA [] advised that he heard the request for instructions on whether or not a traffic stop should be made on the red vehicle. A/SSRA [] advised he could hear traffic over the radio relating to how the stop was going to be made, however, he was too far away to have any visual contact with any of the agents pursuing the subject vehicle.

The red vehicle was stopped at the red light, with its brake lights on. SA [] pulled up behind the red vehicle, placed the red and blue visor emergency light into the down position, and turned on the emergency lights. When he turned on the emergency lights and reached for the siren, the driver of the red vehicle appeared to respond by releasing the car brakes, as indicated by the brake lights turning off, and turning right on the red traffic light. SA [] told SA [] to turn on the emergency lights and hit the siren. The FBI vehicle was equipped with Wig Wag headlights and a visor strobe which were activated by SA []. SA [] gave the siren several short blasts. At this time the red vehicle turned right on red and accelerated rapidly.

Immediately after a stop of the vehicle was authorized, SA [] driver of the second FBI vehicle, noted the lead FBI vehicle, driven by SA [] had its emergency tail strobes on to effect the traffic stop. At approximately the same time, SA [] turned on his emergency lighting system which consisted of a visor light containing red and blue alternating strobes located on the passenger side visor, Wig-Wag headlight beams which alternated right and left, and tail lights that strobe. As the

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second FBI vehicle, SA [redacted] did not turn on his siren, nor could he tell from behind whether or not the lead FBI vehicle, driven by SA [redacted] had its siren operating.

After the emergency lighting systems on both SA [redacted] and SA [redacted] vehicles were engaged, the red vehicle made a right turn against the light onto Maryland Route 173 and began to accelerate. SA [redacted] believed at that time, the red vehicle's driver was intending to run. SA [redacted] then broadcasted, "He's booking." SA [redacted] interpreted this comment to mean that [redacted] was on foot and running from his vehicle. SA [redacted] slowed down and started looking into the woods adjacent to the highway.

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SA [redacted] turned right and through the red light at the corner, while trying to pull up along the driver's side of the red vehicle. The red vehicle was accelerating out of the right turn, so SA [redacted] did the same. Based on communications between SA [redacted] vehicle and the lead FBI vehicle, driven by SA [redacted] via the FBI car radio, all SAs in pursuit of the red vehicle believed the red vehicle was attempting to evade the stop.

SA [redacted] the driver of the lead FBI vehicle, positioned his vehicle along the left side of the red vehicle. SA [redacted] positioned his FBI vehicle behind and slightly to the left of the red vehicle. SA [redacted] then attempted to force the red vehicle off to the side of the road in order to effect the felony traffic stop. At this time it was still light outside, turning to dusk. SA [redacted] the passenger in the lead FBI vehicle driven by SA [redacted] made eye contact with the female driver and motioned her to pull over. SA [redacted] was motioning and yelling for the driver of the red car to pull over. SA [redacted] was yelling "Police. Pull over." over and over again through his closed window. He was not wearing any visible insignias the driver could have seen while he was in the car. The female driver of the red vehicle, then pulled off the road on to the shoulder. SA [redacted] told SA [redacted] to stop in front of the red vehicle. SAs [redacted] and [redacted] vehicle stopped just ahead of the red vehicle on the driver's side. The red vehicle was successfully forced to the side of the road and brought to a stop without making any physical contact with it. The location of the stop was Fort Smallwood Road, near its intersection with Marley Neck Blvd.

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Immediately after the stop was made, SA [redacted] exited from the front passenger side of the lead FBI vehicle and moved to the front of the red vehicle with his MP-5 rifle pointed at the occupants of the red vehicle. SA [redacted] placed his car in

park, shut off the engine, opened the door, grabbed his MP-5 rifle, and ran behind his car and over to the red vehicle's driver's side door. SA [redacted] attempted to open the driver's door and found it locked. He pounded with his fist on the driver's window, and called out, "FBI . . . Open the door." SA [redacted] heard several SAs on the passenger's side yelling, "Show me your hands." He did not know who was yelling because he did not look up and away from the female driver. SA [redacted] was looking at and concentrating on the female driver, trying to verbally direct her to open the door and come out of the car, when he heard a "pop" sound. He did not know exactly how many seconds transpired between his leaving his car and the "pop" sound. The female screamed and opened her door. As she exited the vehicle, SA [redacted] pushed her in the middle of her back, with the palm of his hand, down on the ground. He instructed her to put her hands above her head.

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SA [redacted] jumped out of the passenger side of the lead FBI vehicle driven by SA [redacted] moving rapidly around the front of the red vehicle and going to the passenger side of the suspect vehicle. He could not recall if the occupants were wearing their seat belts. SA [redacted] was wearing his soft body armor, and was not wearing a raid jacket. He had his FBI badge affixed on the right side of his belt and believed the badge was visible. He was armed with his MP-5 rifle and was focused first on the female driver. SA [redacted] then directed his attention to the male passenger, because he was the most serious threat. SA [redacted] was shouting, "Police! Police! Show me your hands!" from the time he got out of the car to the time he moved around to the passenger side. SA [redacted] never saw either person in the red vehicle raise their hands. SA [redacted] got to the passenger side door and tried opening it utilizing his left hand, but the door was locked. At the time he was attempting to open the door, SA [redacted] was next to him, yelling "show me your hands". SA [redacted] arrived at the passenger door a few seconds after SA [redacted] SA [redacted] took a step to the right and made eye contact with the driver, through the passenger side window. The reason he turned his attention to the driver was because, he did not want the passenger to make any sudden moves. SA [redacted] also knew that SA [redacted] was in position to cover the passenger. SA [redacted] felt the driver was in a better position to unlock the doors. SA [redacted] yelled for her to "unlock the door." SA [redacted] saw the driver's left hand move towards the door. As SA [redacted] was yelling again to the driver to "unlock the door", the passenger window exploded. SA [redacted] saw the passenger move over to the left and his face was covered with glass and blood. The passenger was screaming.

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SA [] looked at SA [] and asked him if he knocked out the window. SA [] did not respond. A short time later it occurred to SA [] that SA [] had shot out the window. From the time SA [] exited his vehicle, to the time SA [] discharged his shoulder weapon, only about five seconds had elapsed. SA [] initially thought the passenger was hit by glass and that he was not shot.

Immediately following the shooting, SA [] opened the passenger door and pulled out the passenger putting him face down on the ground and placing him in handcuffs. SA [] stated he never observed any threat that would have caused him personally, to shoot his weapon. SA [] did not see the passenger make any movements prior to being shot, but at the time the window exploded he was watching the driver. SA [] looked into the passenger side of the car looking for a possible weapon. The only thing he saw was some rolled up clothing on the floor. No other search of the car was made by him.

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SA [] was driving the FBI vehicle immediately behind the red vehicle. SA [] was in the passenger seat next to SA []. Once SA [] stopped his vehicle behind the red vehicle, SA [] observed SA [] exit from the passenger side of SA [] vehicle with his M-4 rifle. SA [] ensured his vehicle was safely stopped by placing the transmission in "Park" and engaging the emergency brake. SA [] began to exit the vehicle through the driver's side door with his M-4 rifle. As SA [] turned momentarily to his left to get out of the car, he heard SA [] identify himself as the "FBI" and SA [] identifying himself as the "Police". Both SAs were yelling at the red vehicle's occupants to "show their hands." SA [] could clearly distinguish between the SA's voices, as SA [] is from North Carolina, and SA [] is from Boston.

While SA [] turned momentarily to his left to exit his vehicle, he heard what he perceived to be the sound of a rifle shot. SA [] estimated the time between his stopping the vehicle and hearing the gunshot was between three and five seconds. SA [] suspected the shot was fired by one of the SAs because he knew they were carrying shoulder weapons. Both SAs [] and [] had their shoulder weapons in positions covering the occupants of the red vehicle. SA [] noted blood in the red vehicle, and observed the white male individual inside moving around and screaming. According to SA [] he had an excellent, unobstructed view of everything in front of him, as his car was parked to the rear of both vehicles. The sun was beginning to set, however, there remained more than adequate natural lighting to see clearly. As SA [] came out of his

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vehicle he rounded his driver's door and stood at a slight angle to the left rear of the subject vehicle looking over the front of his vehicle's hood.

After realizing that the subject was injured, SA [redacted] moved to the front of his car, between it and the red vehicle, and instructed SA [redacted] to call 911 to request the dispatch of a medic unit to the scene.

SA [redacted] returned to his FBI vehicle, proceeded to make his M-4 rifle safe, and stowed it in the foot well of the front passenger seat of his FBI vehicle. SA [redacted] retrieved one of his medical bags, and as SA [redacted] turned around to face the red vehicle, noticed SA [redacted] handcuffing the white male who had been in the passenger seat of the red vehicle, and laying him on the ground on his back and left side.

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SA [redacted] is a Nationally Registered Emergency Medical Technician - Paramedic (NREMT-P), which is the highest level of certification for pre-hospital health care providers.

SA [redacted] dialed 911 and advised the operator of the emergency situation, and of the fact that they needed EMS. SA [redacted] was providing medical treatment to the male passenger as SA [redacted] spoke to the 911 operator. She asked what was the nature of the injuries. He was unable to answer because he did not know what had happened to the passenger. SA [redacted] did not know if the passenger had been injured by the car glass shattering. He thought the SAs may have broken the window and pulled him out of the car. She agreed to send an ambulance.

While SA [redacted] was on the phone with the 911 operator, Detective [redacted] AACP, handcuffed the female driver from the red vehicle, while she was laying on the ground. SA [redacted] stated he had no question in his mind that the male laying on the ground was the subject, [redacted] SA [redacted] continued to attend to the female who was crying hysterically. She remained handcuffed and standing near the trunk of the red car. He tried verbally to calm her down. Detective [redacted] took control of the female and removed her from the scene while she remained handcuffed. SA [redacted] returned to his FBI vehicle and unloaded his MP-5 rifle and secured it in the car. It was at that time that SA [redacted] learned from someone, possibly SA [redacted] that the male passenger in the red vehicle was not [redacted]

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SA [redacted] approached the injured subject to assess his injuries and render care. SA [redacted] asked SA [redacted] what had happened, in an attempt to determine what type of injury the

individual had sustained. SA [redacted] response to SA [redacted] was "I shot him in the head." SA [redacted] did not ask any additional questions at that time, as SA [redacted] was concentrating on providing the victim with the best possible medical care.

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Upon assessing the victim, SA [redacted] discovered he had a gun shot wound to the right side of his face in the area of his cheek. SA [redacted] determined the victim was capable of breathing on his own, and was coherent and talking. During the course of providing care to the victim, SA [redacted] asked him his name. The victim advised his name was [redacted]. SA [redacted] was later advised by one of the SAs on the scene that the victim was indeed not identical to bank robbery subject, [redacted]. SA [redacted] did not recall which SA provided this information, as his focus was the treatment of the victim. Upon confirmation of the aforementioned fact, SA [redacted] instructed that the victim be uncuffed.

At approximately 6:08 - 6:10 p.m., SA [redacted] arrived at the intersection of Marley Neck Boulevard and Ft. Smallwood Road, and saw SAs [redacted] and [redacted] vehicles stationary on the side of the road. Both FBI vehicles had their emergency lights on. SA [redacted] did not recall whether their sirens were on. The passenger side window of the red vehicle was broken. SA [redacted] did not recall seeing anything else which caught his attention in the interior of the vehicle or whether the radio was on in this vehicle. SA [redacted] saw a female "proned out" (hands and arms extended) on the ground adjacent to the driver's door with SA [redacted] controlling her (He was standing approximately three feet from her right side looking over her). She was silent and appeared frightened. SA [redacted] saw a male laying on his back in the grassy area adjacent to the car and SA [redacted] who had his back towards him, attending and talking to him. The male had blood on his face and when SA [redacted] asked him his name, he responded, "(something) [redacted]". He complained of not being able to breathe through his nose. SA [redacted] told him that it was because he had blood in his nose and advised him to breathe through his mouth. SA [redacted] was unaware that a shot had been fired.

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SA [redacted] saw SA [redacted] securing his M-4 rifle (rendering it safe) and placing it in SA [redacted] FBI vehicle. Within moments, Detectives [redacted] and [redacted] SAs [redacted] and [redacted] arrived on the scene. SA [redacted] walked back to his vehicle and one of the detectives asked him whether he wanted them to "start" an ambulance. SA [redacted] and SA [redacted] both told him "yes." Detective [redacted] called the AACPD and requested an ambulance.

Sometime after 6:10 p.m., A/SSRA [redacted] located the red vehicle approximately 100 yards from the intersection of Marley Neck Boulevard and Fort Smallwood Road. He observed the right front passenger window of the subject vehicle was broken and SA [redacted] over the white male subject believed to be [redacted] laying on the ground. A/SSRA [redacted] also observed AACPD Detective [redacted] at the scene.

A/SSRA [redacted] advised that a few minutes after his arrival at the scene, [redacted] pulled up to the scene also. [redacted] saw SA [redacted] at the scene and asked if everything was okay. [redacted] asked SA [redacted] if they had arrested [redacted] SA [redacted] asked [redacted] to come and look at the man who was lying on the ground next to the red vehicle. [redacted] looked at the red vehicle and knew it was not the red HONDA that he had seen [redacted] in earlier. SA [redacted] asked [redacted] if the man on ground was [redacted] informed SA [redacted] that the man was not SA [redacted] asked [redacted] if he knew where [redacted] could be located at this time. [redacted] told SA [redacted] to check at [redacted] aunt's home.

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A/SSRA [redacted] advised that he was not aware of the nature or extent of the individual's injuries, therefore, he began to ask questions of the SAs on the scene. He initially went to SA [redacted] who advised A/SSRA [redacted] that he was calling A/ASAC LAYTON to advise him what had happened. He then went over to SA [redacted] and asked him what happened. A/SSRA [redacted] advised that SA [redacted] replied "I shot him." A/SSRA [redacted] asked SA [redacted] once more, what happened?, whereupon SA [redacted] advised that he ordered the subject to get out of the vehicle and he was not compliant. He also noted that the subject was reaching down into the seat and "I shot him." A/SSRA [redacted] then asked SA [redacted] if he was alright, whereupon SA [redacted] did not respond, and was clearly dejected.

A/SSRA [redacted] advised that after he spoke to SA [redacted] he immediately made notification of the shooting to SA [redacted] the Baltimore Division Media Representative.

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Shortly thereafter, uniformed officers from AACPD arrived on the scene. The scene was secured with police tape and someone called the main Baltimore FBI office. There was no contact during the operation with the FBI dispatcher and A/SSRA [redacted] was unaware whether anyone was keeping a log.

Sometime between 6:10 and 6:15 p.m., EMS arrived at the scene, however they were not advanced life support providers. SA [redacted] inquired whether a medic unit had been dispatched, and was

advised that one was en route to the scene. SA [redacted] care of the victim continued for an additional two to three minutes, after which an Anne Arundel County Paramedic Unit arrived. SA [redacted] advised them of the patient's injuries and condition, and continued to provide care in association with the Anne Arundel County paramedics until the patient was ultimately transferred to the care of a Maryland State Police Helicopter Medivac Unit which transported him to the Maryland Shock Trauma Center.

After the patient was evacuated, SA [redacted] asked SA [redacted] about what had transpired. He advised that the subject had not complied with SA [redacted] and his verbal commands to show his hands, and had instead reached toward his waist on several occasions. SA [redacted] said this action put him in fear for his life as well as that of SA [redacted]. According to SA [redacted] SA [redacted] stated he could see that SA [redacted] was directly in the subject's line of fire, as he, SA [redacted] was positioned in front of SA [redacted]. Therefore, SA [redacted] stated he shot the subject in an attempt to eliminate the threat. b6 b7C

SAs [redacted] and [redacted] went into SA [redacted] car. They went to the car because it was cold and a female detective from AACPD started to ask them questions about what had happened. They each told her who they were and where they were from. SA [redacted] told the detective they did not want to be rude, but wanted to wait until their leadership came on the scene. She said she understood and walked away.

A/ASAC [redacted] was the first member of FBI management to arrive at the shooting incident. A/ASAC [redacted] observed three of the Calverton Agents sitting in a car and he checked on their well-being and informed them not to make any statements or discuss this matter with anyone at this time.

A/ASAC [redacted] asked that SA [redacted] brief him as to what happened. SA [redacted] briefed as follows; SA [redacted] told A/ASAC [redacted] that they had been waiting for a suspect to arrive at a 7-11 store to meet with [redacted]. A man and woman matching the description that [redacted] had provided came to the 7-11 store. Based upon the information that [redacted] had provided, SA [redacted] believed that he had located the suspect in a red car as the car was leaving the 7-11 store. SA [redacted] started following the car and eventually got instructions to stop the car. They stopped the car and they were attempting to effect the arrest of the subjects and he heard a shot fired. The passenger was hit by a bullet that SA [redacted] had fired. They got the subject out of the car and SA [redacted] was there to give first aid and they called 911. b6 b7C

A/ASAC [] spoke briefly with SA [] SA [] acknowledged that he fired his weapon and that he shot the subject. A/ASAC [] instructed SA [] not to speak about the shooting.

[] SAC HUNT arrived at the scene and was briefed by A/ASAC [] A/ASAC [] suggested to SAC HUNT that they allow the AACPD to process the shooting scene and take the vehicle. SAC HUNT met with CAPTAIN [] AACPD, who was in charge of the scene to introduce herself. She then went over to the SAs involved and checked on them to make sure they were okay.

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SAC HUNT after determining all the facts available at that time, and walking the crime scene, contacted DAD THOMAS LOCKE, Inspection Division. She again met with CAPTAIN [] and they agreed how the crime scene would be processed. It was agreed that AACPD would take possession of SA [] weapon.

SAC HUNT then discussed with her media representative a statement that the FBI would make to the press. A large number of press had now showed up at the scene.

SAC HUNT then contacted Chief THOMAS SHANNON, AACPD, to touch base with him and to ensure he was comfortable with the plan that had been developed.

SAC HUNT again met with the SAs involved and reemphasized the EAP program and to personally assess each SA's condition. She advised the SAs they would be interviewed in the morning and released them from the scene.

AACPD processed the scene and Baltimore ERT Team Leader, SA [] coordinated with their crime scene team. AACPD maintained possession of all evidence found at the crime scene, including SA [] weapon.

[] the driver of the red vehicle, provided AACPD Detective [] a written statement immediately after the shooting incident. In [] statement to AACPD Detective [] she stated that she and her boyfriend, [] [] were coming from the Marley Station Mall, when they stopped at the 7-11 store at the end of Marley Neck Boulevard for a slurpee and a mountain dew. She was the driver and [] was the passenger. [] went into the 7-11 store and she stayed in her car. They left the 7-11 store and drove down Marley Neck Boulevard to Fort Smallwood Road. At Fort Smallwood Road she turned right. She stated she did not see any cars behind her and did not hear any police sirens or see any police lights.

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After turning onto Fort Smallwood Road she saw two men in a cream colored car beside her car. The men were motioning her to pull over. They had guns in their hands so she pulled over. She then saw the men get out of their car and one came over to her window yelling "put your hands up". The other man ran in front of her car and went to the passenger side and pointed his gun at the window towards [redacted] face. She could not remember if she saw anything on the men that identified them as the police or FBI.

She put the car in park and then heard a gunshot and the window shattered. She looked over at [redacted] and saw him holding his face screaming. Prior to hearing the gunshot she heard the men yelling "put your hands up", and she thinks one said "get out of the car". [redacted] had his seat belt on. She then opened the door and two men were yelling for her to get on the ground and pulled her out of the car to the ground.

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On 03/02/2002 SAC Lynne Hunt advised IIP [redacted] that SA [redacted] the SA who shot and wounded [redacted] on 03/01/2002, was represented by counsel, and upon the advise of his counsel, would not be giving a voluntary statement at this time.

- P -

2002

Savage-1806

To: Inspection From: Inspection
Re: 297-HQ-A1271921-D, 02/13/2003

Set Lead 5:

OFFICE OF PROFESSIONAL RESPONSIBILITY

AT WASHINGTON, DC

That AD, OPR, conduct further inquiry of this incident regarding possible lack of candor on SA [redacted] part as well as his neglect in complying with ASAC Figueroa's instruction regarding further discussion of the incident.

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1 - Mr. [redacted] Rm. 7142
2 - Mr. [redacted] Rm. 7427
(1 - Ms. [redacted] Rm. 7326)
1 - Mrs. Hunt, Rm. 7825
1 - Mr. [redacted] Rm. 7129
(Attention: Adjudication Unit)
1 - Mr. [redacted] Rm. 7837
1 - Ms. [redacted] USDOJ
1 - Mr. [redacted] USDOJ
1 - Mr. Elder, Rm. 5155
1 - Mr. [redacted] Rm. 6650
1 - Mr. [redacted], Rm. 3787F
1 - Mr. [redacted] Quantico
1 - Mr. [redacted], Quantico
1 - Mr. [redacted] WFO
1 - Mrs. [redacted] Rm. 7861

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FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 12/04/2003

To: Inspection
Training

Attn: AD Steven C. McCraw
SAC Andrew R. Bland, III

From: Inspection

Contact: [REDACTED] Extension 1837

Approved By: McCraw Steven *Mc*

Drafted By: [REDACTED]:lrr

Case ID #: 297-HQ-A1270951-D

Title: ADMINISTRATIVE INQUIRY
SHOOTING INCIDENT
03/01/2002
BALTIMORE DIVISION

Synopsis: The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 03/01/2002, involving Special Agent (SA) [REDACTED]. While Federal and local law enforcement officers were attempting to arrest an individual believed to be an armed and dangerous bank robbery subject, SA [REDACTED] fired one round from his Bureau-issued M-4, 5.56 millimeter rifle injuring an individual believed to be the bank robbery subject. SIRG members recommended that no administrative action be taken against SA [REDACTED] as a result of his involvement in this shooting incident.

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Administrative: Reference report of Inspector-in-Place [REDACTED] dated 03/08/2002.

Details: This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Savage-1817

To: Inspection From: Inspection
Re: 297-HQ-A1270951-D, 12/04/2003

On 03/01/2002, at approximately 12:07 a.m., SA [redacted] was advised that [redacted] had returned to his room with a girlfriend. Information was also received that [redacted] admitted to an acquaintance that he had committed a felony. When asked if he had robbed a bank, [redacted] stated, "No, [redacted] did. I drove the getaway car". [redacted] subsequently received a phone call and was advised the FBI was looking for him.

Between 8:15 a.m. and 9:00 a.m., SA [redacted] received a phone call from [redacted] the individual previously identified as being the bank robber. SA [redacted] recognized the caller's voice as belonging to an individual known as [redacted] who he previously arrested for bank robbery. During his conversation with SA [redacted] admitted knowing [redacted] but denied any involvement in any crimes with him. [redacted] advised SA [redacted] that he was not going to say anything else and stated that he would contact SA [redacted] later, possibly with an attorney. b6 b7C

SA [redacted] contacted an Assistant United States Attorney (AUSA) and described the events that had taken place. The AUSA advised an arrest warrant for [redacted] would be signed later that afternoon.

Later that day, SA [redacted] received additional information from an acquaintance of [redacted] (hereafter referred to as source). [redacted] He also advised [redacted] had heard that the FBI was looking for him and he was going to flee. The source also stated [redacted] was sounding hysterical, crying and heaving, and was an emotional mess. It was also believed that [redacted] might be suicidal because he had previously stated that he would not go back to prison.

SA [redacted] placed another telephone call to the AUSA handling the case, conveying the earlier conversation he had with the source. The AUSA agreed on the exigent circumstances and authorized the arrest of [redacted] at the planned meeting later that day. b6 b7C b7D

SA [redacted] contacted Acting Supervisory Special Resident Agent (A/SSRA) [redacted] regarding the exigency of the situation and the need to execute an arrest. He also advised of his conversation with the AUSA and the fact that based upon review of an NCIC printout and source information, [redacted] was believed to be Armed and Dangerous, a crack head and heroin addict, and there was strong evidence that he might flee the area.

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A/SSRA [redacted] agreed to go ahead with the arrest and contacted Acting Assistant Special Agent in Charge (A/ASAC) [redacted] advising him of the situation and requested additional Agents to assist with the arrest. A/ASAC [redacted] requested that an Operations Plan be facsimiled to him as well as his completed affidavit. A/ASAC [redacted] advised A/SSRA [redacted] that he would send five additional Agents to assist and to attend the briefing at the ARA. A/SSRA [redacted] received specific instructions to ensure that all Agents participating in the operation received a complete briefing. A/SSRA [redacted] also advised A/ASAC [redacted] that an Operations Plan would be prepared and forwarded to him via facsimile.

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A short time later, A/ASAC [redacted] received another telephone call from A/SSRA [redacted] and SA [redacted] who provided additional details regarding the operation. SA [redacted] advised that the source would be talking to [redacted] around 4:00 p.m., and that there was a good possibility that he would lead the Agents to [redacted]. A/ASAC [redacted] advised A/SSRA [redacted] that he had verbal approval for the operation, however, he needed a copy of the Operations Plan facsimiled to him prior to the Agents going out.

Five Agents were notified and instructed to attend the 3:00 p.m., arrest briefing in the ARA. SA [redacted] prepared a handwritten information sheet for distribution to the Agents participating in the surveillance/arrest. The sheet included a photograph of [redacted] a brief physical description, and a description of vehicles used by him. SA [redacted] also prepared a handwritten Operations Plan attaching the arrest affidavit as well as an NCIC report regarding [redacted]. These documents were also provided to A/SSRA [redacted].

The arrest was planned to be a static event when the

[redacted] the plan called for both individuals to be arrested. SA [redacted] left the building and conducted a radio check with the ARA while in his Bureau vehicle.

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During the arrest briefing, participants were advised

[redacted] in Glen Burnie, Maryland. Also discussed at the briefing was the possibility of a stationary vehicle arrest. The plan noted that in the event a positive identification of [redacted] was made, the team would block his vehicle and effect the arrest. Specific duties of arrest team members, including the identification of a specific signal once a positive identification

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Re: 297-HQ-A1270951-D, 12/04/2003

was made of [redacted] were not made due to the uncertainty of the situation. No specific individual was designated the responsibility of positively identifying the suspect and no formal designation of a team leader was made. Arrest team members were advised that AACPD Detectives would be assisting in the operation.

Arrest team members were subsequently notified that the meeting would likely take place in the vicinity of the Sun Valley Shopping Center. At approximately 4:00 p.m., the source contacted SA [redacted] and advised that [redacted]

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[redacted] Immediately following his conversation with the source, SA [redacted] received a phone call from [redacted] asking what was going on. [redacted] advised him that nothing was going on and he was going home. SA [redacted]

The source again called SA [redacted] and advised that [redacted]

[redacted] Information was provided that the driver of the vehicle could be [redacted] who was with [redacted] the night before. [redacted] was described as having short, red hair. Additionally, information was provided that [redacted] usually wore a white baseball cap.

SA [redacted] contacted SA [redacted] via Nextel and advised of the intended location for the meeting with [redacted] SA [redacted] then transmitted the meeting location information over the FBI radio. SA [redacted] advised participants that [redacted] was being driven in a car by a possible redheaded, white female.

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Between 5:15 and 5:30 p.m., SA [redacted] reported that the [redacted]

[redacted] in the vicinity of Glen Burnie.

[redacted] As he pulled up to the [redacted] he observed [redacted] in a red Honda Civic being driven by the subject's sister. [redacted]

SA [redacted] by phone, however his cell phone went dead. [redacted] vehicle did not return to the convenience store.

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Re: 297-HQ-A1270951-D, 12/04/2003

SA [redacted] observed the [redacted]

[redacted] At approximately 5:50 p.m.,
SAs [redacted] and [redacted] observed a late model, red vehicle
(subsequently identified as a Pontiac Grand Am) drive into the 7-11
store parking lot. SA [redacted] radioed that a red vehicle had just

SA [redacted] observed a white male wearing a white baseball cap exit
the passenger side front seat of the vehicle and enter the store.
The subject stayed in the store for two to three minutes and
appeared to meet [redacted] before exiting the store
and re-entering the red vehicle. SA [redacted] concluded that the
subject had possibly [redacted] due to his
observing them in close proximity to each other within the store
and appearing to have had contact.

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SAs [redacted] and [redacted] indicated they could see the red
vehicle and from their vantage point across the street, it appeared
as though the white male passenger fit the physical description of
[redacted] According to SA [redacted] this assumption was made
because the passenger appeared to be a white male, approximately
the same height, weight, and age as [redacted] and was wearing a
baseball cap, as was his habit. The Agents could not see the
driver of the vehicle, however, advised SA [redacted] of the
presence of the vehicle and its occupants and requested that he
make an attempt to observe the driver. As SAs [redacted] and
[redacted] began to move in the direction of the 7-11, they
heard over the radio that the subject was in a "red car". They
observed a red car and its occupants exiting the west entrance/exit
of the store parking lot. The vehicle was driven by a red-haired,
white female. The passenger was a white male wearing a white
baseball cap. SA [redacted] heard someone call out over the radio,
"Follow the red car...don't loose it".

[redacted]
[redacted]
[redacted] notify the FBI and tell them [redacted] was a passenger in a red
Honda located in the vicinity of the 7-11 store at Route 648 and
Marley Neck Road. Two AACPD Detectives received a call on the
radio that [redacted]

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[redacted] and a subject they were looking for was driving around
a 7-11 store in a small red car. One of the detectives immediately
phoned the dispatcher to obtain additional information about the
caller. The dispatcher advised that she had received a 911 call
[redacted] and "the bad
guy...the one you're looking for, just drove by the 7-11 in a red

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Honda driven by his sister." While the detective was on the phone with the dispatcher, SA [redacted] contacted the detectives over the radio and told them the subject was in a red car traveling north on 648.

SA [redacted] did not report any positive contact with the source nor did he receive positive confirmation that [redacted] had been at the 7-11 store. However, SA [redacted] was convinced that [redacted] was probably in the red car which had been parked adjacent to the source's truck at the 7-11 store, that the vehicle was moving on Highway 648 northbound, and that it needed to be followed.

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SA [redacted] advised the red vehicle was exiting the 7-11 store parking lot and was turning right on Marley Neck Boulevard. SAs [redacted] and [redacted] advised SA [redacted] via Nextel to follow the red vehicle. According to SA [redacted] he also advised they did not know who was in the car.

SAs [redacted] and [redacted] were temporarily prevented from following the red vehicle due to traffic, however, a short time later joined the lead FBI vehicle who was following the red car. SA [redacted] radioed that the subject vehicle was approaching a red light and moments later advised that the vehicle was at the red light. He also asked if a vehicle stop should be initiated. SA [redacted] responded, "Yes, go ahead if you think you can".

The subject vehicle was stopped at the red light with its brake lights on. SA [redacted] pulled up behind the vehicle, placed the red and blue visor emergency light into the down position, and activated the emergency lights. As the emergency lights were activated and SA [redacted] reached for his siren, it appeared the driver of the vehicle was responding by releasing the car brakes and turning right on the red traffic light. SA [redacted] advised SA [redacted] to activate the Wig Wag headlights, the visor strobe and the siren. As SA [redacted] gave the siren several short blasts, the red vehicle turned right on red and rapidly accelerated. Believing the subject vehicle was attempting to evade the stop, SA [redacted] positioned his vehicle along the left side of the vehicle while SA [redacted] positioned his vehicle behind and slightly to the left of the subject vehicle. SA [redacted] attempted to force the red vehicle to the side of the road in order to effect the traffic stop. SA [redacted] made eye contact with the female driver of the subject vehicle and motioned for her to pull over. He yelled, "Police. Pull over", several times through his closed window. The female pulled onto the shoulder of the road. SA [redacted] exited from the front passenger side of the lead FBI vehicle and

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moved to the front of the red vehicle with his MP-5 rifle pointed at the occupants of the subject vehicle. SA [redacted] retrieved his MP-5 rifle and ran to the driver's side door of the subject vehicle and attempted to open the locked driver's door. He pounded on the driver's window and called out, "FBI... Open the door". He also heard several Agents on the passenger's side yelling, "Show me your hands". SA [redacted] was concentrating on the driver, attempting to verbally direct her to open the door and exit the vehicle, when he heard a "pop" sound. The female screamed and opened her door. As she exited the vehicle, SA [redacted] using the palm of his hand, pushed her in the middle of the back down on the ground and instructed her to put her hands above her head.

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SA [redacted] exited his vehicle and proceeded around the front of the subject vehicle to the passenger side. SA [redacted] was shouting, "Police! Police! Show me your hands!" from the time he exited his vehicle until he reached the passenger side of the vehicle. According to SA [redacted] he never saw either person in the red vehicle raise their hands. He attempted to open the passenger side door, however, it was locked. As his attempt to open the door failed, SA [redacted] heard SA [redacted] yelling, "show me your hands".

Prior to SA [redacted] making contact with the female driver, SA [redacted] stepped to the right and made eye contact with her through the passenger side window. SA [redacted] was aware that SA [redacted] was in position to cover the passenger and believed the driver was in a better position to unlock the vehicle doors. SA [redacted] yelled for her to "unlock the door". As he saw the driver's left hand move towards the door, SA [redacted] again yelled to the driver to unlock the door. As he was yelling for the driver to unlock the door, the passenger window exploded. SA [redacted] saw the passenger move over to the left and his face was covered with glass and blood.

Immediately following the shooting, SA [redacted] opened the passenger door, pulled out the passenger, put him face down on the ground, and placed him in handcuffs. SA [redacted] a Nationally Registered Emergency Medical Technician - Paramedic, provided medical treatment to the male passenger while awaiting the arrival of an ambulance. During the course of providing care to the victim, SA [redacted] asked him his name. The victim advised his name was [redacted] SA [redacted] was advised by one of the Agents on the scene that the victim was not identical to bank robbery subject [redacted] Upon confirmation of this information, SA [redacted] instructed that the victim be uncuffed.

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After the patient was evacuated, SA [redacted] asked SA [redacted] what had transpired. According to SA [redacted] the subject did not comply with his and SA [redacted] verbal commands to show his hands and had reached toward his waist on several occasions. SA [redacted] advised that these actions put him in fear for his life as well as that of SA [redacted] therefore he shot the subject in an attempt to eliminate the threat.

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A declination of prosecution was received from the United States Department of Justice, Civil Rights Division, on 06/11/2003, regarding SA [redacted]'s actions in this shooting incident. On 07/02/2002, a grand jury decided not to indict SA [redacted] regarding his actions during this shooting incident.

On 10/15/2003, the SIRG met to discuss the above-captioned shooting incident. Assistant Director Steven C. McCraw, Inspection Division, chaired the meeting with the following voting members of the SIRG in attendance: [redacted] Deputy Chief, Domestic Security Section, Criminal Division, USDOJ; Assistant Special Agent in Charge [redacted] Investigations Division, Office of Inspector General, USDOJ; [redacted] Chief Inspector, Office of Inspections, Inspection Division; [redacted] Assistant Section Chief, Operational Support Section, Criminal Investigative Division; [redacted] Unit Chief (UC), Physical Surveillance Unit, Counterintelligence Division; [redacted] UC, National Firearms Program, Training Division (TD); [redacted] UC, Investigative Law Unit, Office of the General Counsel (OGC); [redacted] UC, Firearms Training Unit, Training Division; [redacted] Program Manager, Operational Skills Unit, TD; SSA [redacted] Firearms - Toolmarks Unit, Scientific Analysis Section, Laboratory Division; SSA [redacted] Investigative Law Unit, OGC; and SSA [redacted] Washington Field Office. The three non-voting members present were SSA [redacted] Operational Skills Unit, TD; [redacted] and [redacted] Management/Program Analysts, Inspection Management Unit, Office of Inspections, Inspection Division.

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To: Inspection From: Inspection
Re: 297-HQ-A1270951-D, 12/04/2003

Observations and Recommendations of the SIRG

The SIRG reviewed the above-synopsized incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

The first area of discussion by the SIRG pertained to the use of deadly force by SA [REDACTED]. Members discussed the fact that the incident involved a high risk vehicle stop and that the totality of circumstances surrounding the incident resulted in the use of deadly force by SA [REDACTED]. With the exception of one attendee who stated that after reviewing the information provided, he could not visualize the presence of "imminent danger" to law enforcement officers, members concurred that the use of deadly force was justified. The final decision by the majority of the SIRG members was that SA [REDACTED] was justified in his use of deadly force and that no administrative action should be taken against him as a result of his involvement in this shooting incident.

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The next area of discussion centered around the operations plan, management oversight and training or safety issues. Members unanimously opined that the operations plan as well as management oversight provided was adequate in this incident. However, members held a lengthy discussion regarding felony car stops.

Areas of discussion included the actual execution of a felony car stop as being a "high risk" action. The following should be considered when conducting a high risk car stop: 1) Attempt to make a compliant stop with contingencies in place if the compliant stop fails and 2) Agents should maximize the use of cover at the initiation of the stop and should only leave cover in the most extreme circumstances. SIRG members noted that Agents participating in the car stop did not utilize cover electing instead to run towards the subject vehicle. Participants recognized that Agents must assess each situation and determine the proper tactical response, bearing in mind that safety is paramount. The attendee representing the Operational Skills Unit of the Training Division advised SIRG members that tactical training is required for Agents (MIOG Part 2, Section 12, 10.8-10.12);

To: Inspection From: Inspection
Re: 297-HQ-A1270951-D, 12/04/2003

however, felony car stops are not specifically required as part of the training. This discussion resulted in a recommendation that the Training Division mandate that felony car stops are a portion of required tactical training.

Members also noted that differing instructions were simultaneously being voiced by Agents on the scene. Members opined that training dictates that one individual should be the speaker and issue commands. The Training Division representative advised that this is a part of the current tactical training.

The SIRG opined that through training and the re-enforcement of established tactical principles, the needless risk of exposure to injury may be reduced.

To: Inspection From: Inspection
Re: 297-HQ-A1270951-D, 12/04/2003

LEAD (s):

Set Lead 1:

INSPECTION

AT WASHINGTON, DC

That no administrative action be taken against SA [redacted] as a result of his involvement in this shooting incident. b6 b7C

Set Lead 2:

TRAINING DIVISION

AT QUANTICO, VIRGINIA

That SAC, Training Division, mandate and implement a requirement that high risk vehicle stops must be included in required tactical training consistent with the Manual of Investigative Operations and Guidelines.

- 1 - Mr. [redacted] Rm. 7142
- 1 - Ms. [redacted] Rm. 7427
- 1 - Mr. Bland, Quantico
- 1 - Mr. McCraw, Rm. 7825
- 1 - Mr. [redacted] Rm. 7837
- 1 - Mr. [redacted] USDOJ
- 1 - Mr. [redacted] OIG
- 1 - Mr. [redacted] Rm. 5155
- 1 - Mr. [redacted] Rm. 1B045
(Attention: Mr. [redacted])
- 1 - Mr. [redacted] Quantico
- 1 - Ms. [redacted] Rm. 7326
- 1 - Mr. [redacted] Quantico
- 1 - Mr. [redacted] Quantico
- 1 - Mr. [redacted] Quantico
- 1 - Mr. [redacted] WFO
- 1 - Mrs. [redacted], Rm. 7861
- 1 - Mrs. [redacted], Rm. 7861

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May 6, 2004

Arnold M. Weiner, Esq.
Weiner & Weltchek
Suite 300
2330 West Joppa Road
Lutherville, Maryland 21093

RE: Schultz v. Braga, et al.
Our File No.: 04.W.1959

Dear Mr. Weiner:

At the request of your office the author has conducted a reconstructive analysis regarding a shooting incident that took place on Foot Smallwood Road in Anne Arundel County, Maryland on March 1, 2002. Specifically, the author was requested to evaluate the movements of the Federal Bureau of Investigation (FBI) vehicles as they relate to the movements of a Pontiac GrandAm being operated by Kristen Harkum. The analysis and subsequent conclusions were based upon, but not limited to the following material:

1. The Anne Arundel County Shooting Investigation File No.:2002-708878
2. Direct examination of the site of the incident and surrounding area
3. Direct examination of the involved 1995 Pontiac GrandAm
4. Transcribed Grand Jury testimony of Joseph Shultz
5. Transcribed Grand Jury testimony of Kristen Harkum
6. Transcribed Grand Jury testimony of Christopher Braga
7. Transcribed Grand Jury testimony of Henry Hanburger
8. Transcribed Grand Jury testimony of Stephen Stowe
9. Transcribed Grand Jury testimony of Bradlee Sheafe
10. Transcribed Grand Jury testimony of Deborah Arduini
11. Transcribed Grand Jury testimony of Lawrence Brosnan
12. Transcribed Grand Jury testimony of John Hall
13. Transcribed Grand Jury testimony of Eric Karandy
14. Statement of Christopher Braga
15. Copies of various Grand Jury exhibits
16. Copies of the official police photographs
17. A copy of the complaint and related documents
18. Direct examination of vehicle parts seized by the FBI
19. Aerial photographs of the area of the incident
20. Expert autostat vehicular database

21. Consumer Reports New Car Yearbook
22. National Law Enforcement and Corrections Technology Center Bulletin of November 2001 – Michigan State Police Tests
23. Traffic Accident Reconstruction, Volume 2, Northwestern University
24. NICB Passenger Car Identification Manual
25. Mitchell Collision Estimating & Reference Guide – Domestic

The analysis of the event began with a review of the reports filed by the Anne Arundel County Police Department relating to the incident. The reports indicate that the event under study began early in the day of March 1, 2002 with the FBI receiving information relating to a bank robbery suspect from an informant.

The reports indicate that on that date the informant was to meet the bank robbery suspect, Michael Blottenberger, at a 7-11 store on Rt 648 and Marley Neck Road in Anne Arundel County and return some personal items to him. The FBI in conjunction with detectives from the Anne Arundel County Police Department initiated a plan in which they would surveil the 7-11 and arrest the suspect upon a predetermined notification from the informant.

It appears based on the reports that the suspect came to the area of the 7-11 and then immediately left the area without making contact with the informant. The informant upon seeing the suspect leave the area attempted to contact the FBI by cell phone but was unable to use his phone, as the battery had no further power left. The informant then went to a police phone in the 7-11 and attempted to make contact with the FBI through this means.

During the time of this occurrence Ms. Kristen Harkum, who was operating her red 1995 Pontiac GrandAm, entered the 7-11 parking lot and parked immediately near the front doors. At this time her passenger Joseph Shultz exited the right front of the Pontiac and went into the 7-11 to make several purchases. After paying for his items Mr. Shultz exited the store and returned to Ms. Harkum's vehicle. He then entered the right front of the Pontiac and began to consume several food items that he had purchased.

According to the various reports the law enforcement officers had received information that the suspect that they were looking for would be driven by a white female and that he often wears a white hat. It just so happened that Ms. Harkum was a white female and on this day Mr. Shultz was wearing a white baseball cap.

Apparently the various agents believed that Mr. Shultz had made contact with the informant in the 7-11 and was therefore the suspect that they were seeking. At this time the informant was still on the phone trying to make contact with the FBI agents by way of the Anne Arundel County 911 center.

Ms. Harkum then started her vehicle and began to pull out of the 7-11 parking lot and made a right turn onto Marley Neck Road. It was her intention, based on the

documents, to return to her home and this was her normal route. The agents upon seeing Ms. Harkum leave the 7-11, began to follow the vehicle in their unmarked FBI vehicles. During this period of time the various agents attempted to communicate with each other but due to poorly functioning radio equipment were forced to attempt to communicate using Nextel cell phones.

The agents then followed Ms. Harkum in her red Pontiac along Marley Neck Road for several miles to the intersection of Fort Smallwood Road. At this intersection Ms. Harkum stopped in the right turn lane for a red automatic signal. The head FBI vehicle with Agents Korneck and Stowe stopped directly behind Ms. Harkum and were shortly joined by Agents Sheafe and Braga in a second unmarked FBI vehicle.

At this time the agents communicated with Agent Hanburger who was in charge, regarding the stopping of the red Pontiac. Agent Hanburger authorized the stop of the vehicle and the agents prepared to stop Ms. Harkum.

Ms. Harkum then made a right turn to Fort Smallwood Road into the merge/acceleration lane followed by the agents. The first FBI vehicle being operated by Agent Korneck with Agent Stowe seated in the right front seat began to accelerate around the left side of Ms. Harkum's Pontiac in an attempt to stop her. The second FBI vehicle with Agent Sheafe driving and Agent Braga in the right front seat moved into a position behind Ms. Harkum.

Agent Korneck pulled their unmarked vehicle alongside of Ms. Harkum and Agent Stowe began to motion for her to pull over and stop. After successfully communicating this request Ms. Harkum pulled to the right side of the roadway and stopped. Agent Korneck stopped his vehicle forward and to the left of Ms. Harkum's with Agent Sheafe stopping directly behind Ms. Harkum.

The Agents then exited their vehicles to effect the "stop" of the Pontiac. Agent Stowe moved around the front of the Pontiac and took up a position along the right side of the vehicle just forward of the right front door. Agent Braga also took up a position along the right side of the Pontiac near the rear of the right front door. After securing his vehicle, Agent Kornek took a position adjacent to the driver's door. Agent Sheafe, who was the driver of the second FBI vehicle, was actually exiting his vehicle as the shooting took place.

Agent Stowe reported that he tried to open the passenger's side door but it was locked. Agent Kornek also indicated that the driver's door of the Pontiac was locked. The agents all indicated that they were yelling at the drivers to "put their hands up" as well as "open the doors."

At this point Mr. Shultz, who was seated in the right front seat of the Pontiac, began to reach for the right front door to unlock or open it. As Mr. Shultz moved toward the door Agent Braga fired one shot from his M4 rifle into the right front door's glass.

The round shattered the glass, struck the "D" rings for the shoulder belt system, then struck Mr. Shultz in the right side of his face.

Following the shooting Mr. Shultz and Ms. Harkum were removed from their vehicle and handcuffed. Rescue efforts were then begun on Mr. Shultz by one of the agents who was a qualified paramedic. It was shortly thereafter that the agents were informed that Mr. Shultz was in fact not the suspect that they were looking for.

The author began an analysis regarding the possible speed that the FBI vehicles and the red Pontiac would have been traveling from the area of the turn at Marley Neck and Fort Smallwood to the point at which they were stopped. To assist in the location of the various vehicles at their point of rest the author used the scale diagram that was produced by the Anne Arundel County Police Department.

This scale diagram that was produced by the Traffic Section of the Anne Arundel County Police Department detailed the locations of the Pontiac and the two FBI vehicles on Fort Smallwood Road. It also provided the locations of various related points of evidence identified at the scene following the shooting.

The author conducted a direct inspection of the site. The inspection began at the 7-11 where the agents first began to follow the Pontiac. The author found that the total travel distance from the 7-11 to the intersection of Marley Neck Boulevard is approximately 3.5 miles. Several trips were made from the 7-11 to the intersection traveling with the flow of traffic. It was found that the total trip time ran approximately 4.25 minutes in each case. This time would of course depend upon the general traffic flow, but the normal course within the posted speed limits generated the 4.25-minute run time.

The area of the shooting was then mapped utilizing an electronic total station. Various points of interest were identified in the area and included in the mapping of the site.

Using the data gathered during the site inspection a detailed scaled graphic of the shooting site was created utilizing CAD software. Scale renditions of the various involved vehicle were also created for use in the analysis.

The vehicles were then placed on the scaled graphic in their respective "at-rest" locations based upon the data supplied in the police diagrams. Based upon the path of travel taken by vehicles in the area and the information supplied in the various reviewed documents, the path of travel for the first two involved vehicles was calculated. It was noted that the lead FBI vehicle being driven by Agent Kornek would of course have a slightly delayed response relative to the movement of the Pontiac as they were situated behind them. Agent Kornek could not pull out and attempt to pass the Pontiac until it had begun to move and clear his path.

The area of the roadway where the vehicles would complete their turns to the area of rest was found to be approximately 124 feet. That data indicates that after making the turn the agents had to accelerate along the left side of the Pontiac, gain the attention of Ms. Harkum, communicate for her to pull over and then have her stop within that 124 feet.

It is recalled that the agents have claimed that they felt the driver of the Pontiac, Ms. Harkum was attempting to flee from them after making the right turn because they were accelerating out of the turn. It is the opinion of the author based upon 20 years in the field that most drivers will accelerate out of a turn onto a major roadway.

In this case the agents have insinuated that the speed of the acceleration was what led them to think that the Pontiac was attempting to flee. To better evaluate this thought, research was conducted regarding the acceleration capabilities of the involved vehicles.

The author's research found that the Pontiac GrandAm equipped with the 3.1 liter V-6 has a maximum acceleration factor of approximately .38. Related research also indicated that the maximum acceleration for the Chevrolet would produce an acceleration factor of .41.

This indicates that the Chevrolet does have a slight advantage in acceleration over the Pontiac. However it must be recalled that the Pontiac does make the turn first, so the agents would have had a delayed response to catching them. The author found that if it were assumed that the Chevrolet and the Pontiac made the turn at their maximum acceleration factor, (which is near to impossible to achieve, but will be used for discussion purposes) it would have taken the Pontiac about 3 seconds to accelerate the 124 feet. At the end of this acceleration it would reach a speed of approximately 39 miles per hour. (This is of course only an acceleration effort. In the actual incident the vehicles must accelerate and stop in the 124 feet.)

Recalling that the agent's Chevrolet would have a delay in its acceleration out of the turn the Pontiac would have a slight lead on it at the start. Given the maximum acceleration of the Chevrolet and a probable 1-second delay, the agents would have been about 53 feet behind the Pontiac when the Pontiac reached the 124-foot mark. Based upon this information had the driver of the Pontiac really been attempting to flee, the agents could not have achieved a car stop within the required 124 feet.

The numbers were then revisited to provide an analysis of what speeds could have actually taken place during the incident. Using the calculated distance and the maximum acceleration for the Chevrolet it was found that it would have been possible for the Chevrolet to turn as fast as it could, accelerate as fast as possible, then stop, if it reached a speed of 28 miles per hour at the most.

This does not however allow for the time required for the agents to communicate to Ms. Harkum that she must pull over. The four seconds required for the above acceleration only allows for the acceleration and stopping of the car. There must be time

allowed for the agents to communicate to Ms. Harkum to stop. It was determined that two seconds would be a probable time for the communications to take place.

If a time of two seconds is used for the communication period, and the data is recalculated it is shown that the maximum speed that the agents could have reached and accomplished all that needed to have been done, would have been approximately 20 miles per hour. This would have the agents catching up to the Pontiac, the window communication, and a stopping action within the 124 feet.

Of course if the agents vehicle reached 20 miles per hour to catch the Pontiac, the Pontiac must have been going less than 20 miles per hour. Calculations performed indicate that if the Pontiac made the turn at a maximum of 9 miles per hour and accelerate off at a similar pace, the Pontiac would have reached a speed of approximately 12 miles per hour around the time that the agents caught up with the Pontiac and communicated the stop.

This evidence does not suggest that Ms. Harkum was in any way attempting to flee from the agents after making the right turn on red onto Fort Smallwood Road. It does however tend to show that Ms. Harkum made a normal turn and accelerated at a typical rate of speed before she was stopped.

The agents also indicated that Ms. Harkum knew that they were behind her as they had activated a warning light on their passenger side sun visor and had chirped their siren a few times. It is noted that when a driver is at the intersection in question and is about to make a right turn, her attention should be directed to traffic that she may conflict with on Fort Smallwood Road. At that point, the driver has absolutely no reason to look into the rearview mirror at the passenger's side of a vehicle stopped behind her and her attention should be focused on the vehicles approaching from her left on Fort Smallwood Road.

In 20 years of law enforcement and after investigating hundreds of accidents involving emergency vehicles, it is a known fact that chirping a siren will generally get little or no response from drivers. To be of use, a siren must be on and left on. A driver first has to hear the siren, then attempt to locate where it is coming from. A momentary chirping sound does not provide adequate warning for a driver. This is particularly true if the siren is coming from an unmarked vehicle that is situated behind a car in which the occupants are listening to a radio. If the agents in this case really wanted to get the attention of Ms. Harkum, they could have turned on the siren and left it on.

The author of this report offers the following conclusions as well as those contained within the body of this report to a reasonable degree of certainty. The right to amend this report and conclusions is retained in the event that evidence not available at the time of this writing is presented at a later date.

1. Based upon the direct inspection of the area of the incident it is concluded that after leaving the 7-11 the two cars of agents

followed the Harkum vehicle for a distance of approximately 3.5 miles until they came to a stop to the rear of the Harkum vehicle at a red signal for Fort Smallwood Road. In timing runs made by the author it was found that the average time to make this trip was approximately 4.25 minutes.

2. Based upon the evidence supplied by the original investigators, it is concluded that following the right turn the total travel distance for the Harkum Pontiac before it stopped was approximately 124 feet.
3. Based upon the capabilities of the involved Chevrolet and Pontiac and the physical characteristics of the roadway and surrounding area it is concluded that the Chevrolet being operated by the FBI agents reached a speed of approximately 20 miles per hour during the stopping action of the Harkum Pontiac. At the same time the speed of the Harkum Pontiac would have been approximately 12 miles per hour.
4. The author would further conclude that the evidence establishes that Ms. Harkum was at no time attempting to flee from the agents at the intersection. Ms. Harkum could not flee what she does not know is there, and the supplied evidence indicates that she was unaware of the presence of the agents until they pulled along side of her vehicle and ordered her to stop. The calculations performed indicate that, had Ms. Harkum actually attempted to flee, the agents could not have stopped her within the 124 feet. Ms. Harkums' actions of acceleration from a stop in a right turn lane out onto the major roadway is typical of what any driver would do in the same situation. The intersection in question has a positive grade from the stop bar so she would have had to accelerate from the stop when she intended to move.

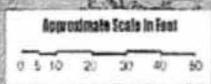
Submitted By:



R. Scott Wills
Forensic Analyst
ACTAR# 1064

Fort Smallwood Road &
Marley Neck Boulevard
Pasadena, MD

FBI File Number: 297-HQ-A1270951
FBI Laboratory Number: 020305019 4X



MARLEY NECK BOULEVARD

142' 8"

Utility Poles

Broken
Auto Glass

Road sign for
Green Acre Road

Speed Limit
sign

Fog Line

FORT SMALLWOOD ROAD

Fog Line

LEGEND	
	Trees
	Bushes or shrubs
	Concrete
	Utility Poles

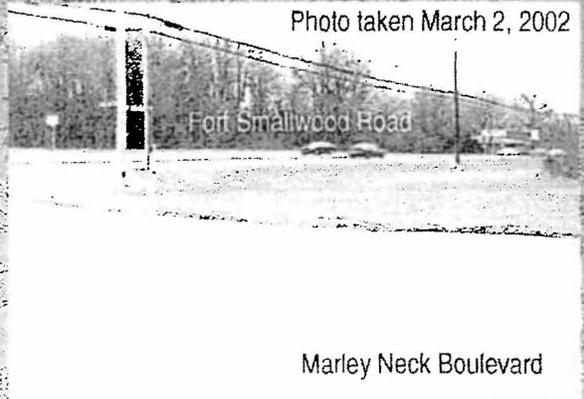


Photo taken March 2, 2002

Fort Smallwood Road

Marley Neck Boulevard

ENGAD 800-631-6989
EXHIBIT
Wiles 27
1-11-05

1. Christopher R. Braga, having been duly sworn by Supervisory Special Agent (SSA) Vicki Ann Mueller, of the Federal Bureau of Investigation (FBI) Counterintelligence Division Russian Counter Espionage Unit and SSA Mark Joseph Bartek, Inspection Division, Inspection Management Unit, provided the following statement concerning the Shooting Incident of March 1, 2002.

Prior to being sworn, I have been told by SSA Vicki Ann Mueller that this was Shooting Inquiry. I provided a statement regarding the facts pertaining to and the circumstances surrounding the incident pursuant to a Warning and Assurance to Employee Required to Provide Information Form (FD-645). I also signed this form.

I have been employed by the FBI as a Special Agent since March 02, 1997. I was assigned to the Baltimore Division, Calverton Resident Agency (RA) on or about July 1, 1997, immediate to graduating from New Agent's Class. I have investigated various violations of Federal law, including bank robberies, fugitive, interstate transportation of stolen property, and homicide matters. Additionally, in July 1997, I became a member of the Baltimore Special Weapons and Tactics (SWAT) Team. As a member I received specialized training through in-service training at Quantico, Virginia. Prior to coming into the FBI, I was employed by the United States Marine Corps for

^M seven years. I obtained the rank of captain. Immediate to employment by the FBI, I worked construction with a Boston area firm (Venuto Contractors) and was also employed with Polaroid for two years as a sales representative.

Prior to the shooting incident in question, I was involved in a shooting incident which took place in Prince George's County, Maryland, on February 1999, in which the subject/fugitive was shot and killed. I was cleared of any and all criminal and/or civil liability. As a member of the SWAT Team, I was involved in instances in which subject was killed or committed suicide. In those instances, I did not fire my weapon.

Prior to the incident, I last qualified at Firearms training February 2002. On the day of the incident, March 1, 2002, I was wearing my Bureau issued body armor and carried my Bureau issued 1911 Springfield, 45 caliber in a holster worn on my waist, and a M-4, 5.56 mm rifle on a strap held over my shoulder and body. This incident centers around the search/arrest of an alleged bank robber identified as Michael Blottenberger.

On the afternoon of Friday, March 1, 2002, I attempted to contact case agent Special Agents (SAs) Larry Brosnan or Henry Hanburger of the Annapolis Resident Agency (RA) regarding an unrelated bank robbery case which Brosnan was investigating. I was advised SA Brosnan was working on the investigation involving alleged bank robber Michael Blottenberger. SA Brosnan returned

*A*my call and asked if I could help him cover a source meeting that afternoon. I contacted SA Brad Sheafe, also a member of SWAT and a paramedic, and asked SA Sheafe to assist as well. I advised my supervisor, SSA George Layton of the request to assist. Early in the afternoon, SSA Layton, received a copy of an operations plan order for a surveillance/arrest planned by SA Brosnan. SSA Layton briefed Calverton RA, SAs Steve Stowe, Don Kornek, Mike Brown, and Brad Sheafe and instructed us to go to the Annapolis RA to assist and receive additional briefing. Inasmuch as I lived in the Annapolis area, I drove to the RA in my assigned Bureau car, a green, 1999, Pontiac, Bonneville, license GMB-740, Maryland. I reviewed the faxed copy of the operations plan order.

Later that same afternoon, the Annapolis RA, Acting Senior Supervisory Resident Agent (SSRA) Eric Karandy briefed a group of SAs from the Calverton and Annapolis RAs regarding the subject, Michael Blottenberger. He advised the subject was wanted for bank robbery, considered armed and dangerous, violent and suicidal. SSRA Karandy read the operations plan order to the group. SA Hanburger provided a detail briefing advising of the facts of the case agent: SA Brosnan planned to cover a meeting to be held between a cooperating witness (source) and Blottenberger. The location of the source meeting with Blottenberger was unknown at the time of the briefing. During the briefing, it was discussed, if the subject was located, an arrest would be *17*

effectuated. The source would also be arrested, in an attempt to protect his relationship with the FBI. SA Hanburger reviewed the operations planned order, provided xerox copies of a picture of the subject, which included a physical description, a xeroxed copy of a National Crime Information Center Report, provided verbal information concerning possible vehicles. The group was advised the subject was possibly coming to the meeting accompanied by his girlfriend, described as a white female with red hair. I personally read and reviewed the operations order and took copies of the handouts. The subject was identified as a white male, who was known to wear a baseball cap. The plan called for a surveillance of the meeting between the subject and source to be instituted in the Glenn Burnie, Maryland, area. The meeting would also be covered by Anne Arundel County Police Department.

Following the meeting, I paired off with SA Brad Sheafe. We left the RA in his vehicle because he had his medical supplies in the car. SA Sheafe drove to the Glen Burnie, Maryland, area. I sat in the passenger seat. SA Sheafe and I parked in the vicinity of the Maryland Department of Motor Vehicles Office located on Route 2 (Richie Highway). We immediately began to have radio problems. It was difficult to communicate. We changed the radio channels several time in an attempt communicate and transmit information. SA Brosnan's and all team members radiotransmissions were broken and garbled. SA Hanburger was ^{at}

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able to transmit and receive information from SA Brosnan and became the defacto radio point.

Either SA Karandy or Hanburger told SA Sheafe and me to relocate our vehicle to a position in front of a package store located in the vicinity. Either SA Karandy or Hanburger advised the source had made contact with the subject and a meeting was scheduled to take place at the 7-11 Store located on Baltimore and Annapolis Blvd. We were instructed to move in that direction. SA Karandy or SA Hanburger provided a description of the source's vehicle and tag number. We were not furnished a picture of the source or his vehicle, which I believed was described as a pick-up truck.

We met representatives of the Anne Arundel County Police Department in a church parking lot. Closer to twilight, SA Sheafe and I moved our vehicle to a parking lot across the street from the 7-11 store. Radio problems continued and communication between surveillance vehicles and team members was difficult.

Shortly thereafter, a pick-up pulled into the 7-11 store parking lot. SA Hanburger confirmed by radio the vehicle was driven by the source. The source exited the vehicle and went into the store.

Shortly thereafter, a vehicle drove up and although other spaces were available, the vehicle, identified as a red ⁰⁷

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four door Pontiac, parked immediate to the source's pick-up truck. A white male, wearing a baseball cap, exited from the passenger seat and entered the 7-11 store. I radioed the information to the group. We observed a second person in the car, but were unable to identify the person. SA Stowe or Kornek advised that the car was driven by a white female with red hair. We were advised the subject's girl friend was a white female with red hair. The subject was observed exiting the 7-11 store. Someone called the information out over the radio. SA Karandy or Brosnan instructed SA Sheafe and me to follow the car. However, we were not in a position to immediately follow due to the traffic. As the red four door Pontiac pulled out of the parking lot, Sas Stowe and Kornek's vehicle was in a better position to follow the vehicle. I attempted to toggle down to Stowe's name on my Nextel phone and to tell them to follow the car, but SA Brosnan interrupted the transmission several times in order to instruct us to follow the vehicle. Either SA Kornek or SA Stowe called out over the radio they had the car in sight and were following it.

Our vehicle was stopped at a red traffic light in front of the 7-11 store. After the traffic light turned green, we turned right through the intersection in the direction SA Stowe's vehicle had driven. In an attempt to catch up to the subject and SA's Stowe's vehicle, SA Sheafe put on the car's emergency lights and I pulled down the visor lights. We proceeded to catch up^{er}

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with SAs Stowe and Kornek's vehicle, at which time we turned off the lights. We were in radio contact with SAs Stowe/Kornek who kept us apprized of their location, until such time as we had them in sight. We asked SA Hanburger if he wanted us to stop the car. We were told by SA Hanburger to stop the subject's vehicle. I heard SA Kornek or SA Stowe also ask whether they should stop the car. They were instructed to stop the car.

SA Stowe engaged their emergency lights and siren. SA Sheafe and I engaged our vehicle's emergency lights. The car we were following initially pulled up to and stopped at the Route 173 intersection. However, I then observed the suspected subject's vehicle brake lights come off and the car accelerated rapidly as it turned right on to Route 173. I called over the radio the subject was fleeing. SAs Kornek and Stowe vehicle also turned the corner and effected a car stop by cutting off the subject's car and forcing it to stop.

As our car rolled to stop immediately behind the red car. I observed SA Stowe had already exited the vehicle and had positioned himself on the passenger side of the red car, and had indexed himself with his MP 5 drawn on the passenger. I exited my vehicle with my M-4 in hand, and called out to Stowe to alert him to my presence. I indexed myself on the passenger, and noted SA Stowe had and indexed himself on the driver.

I began in a loud voice, "FBI. . .Get your hands up... Show" g

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me your hands." I reiterated this several times. My weapon was outfitted with a light, and I kept the weapon and light focused on the male passenger. The passenger did not comply with my repeated instructions. Based upon my training experience, I became very concerned. The subject turned to his left, towards the middle of the car, and reached down. I kept thinking why was he not complying with my instructions? I turned my safety latch on my weapon off, and fired one shot. I heard a bang sound, the car windowed shattered and fell down. I then observed the subject bring his hands up towards his face. The subject held a soda cup in his right hand and his left hand came up and was pressed against his face. The subject cried out, why did you shoot me? I asked why didn't you put your hands up. The subject advised he was reaching for the seatbelt. I opened the locked door from the inside, and placed the subject out and on to the ground. I immediately began to hand cuff and pat the subject down. At the same time, SA Sheafe administered first aid to the subject, and had begun addressing the subject's facial wound prior to my placing the second cuff on the subject.

Brosnan arrived on the scene, and advised that the person on the ground was not the subject, Michael Blottenberger.

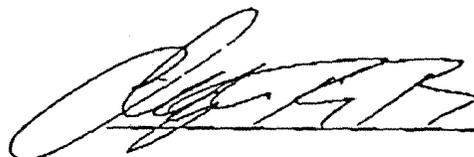
Someone told me to go and sit in Hanburger's car. SAs Kornick and Hanburger also eventually came and sat in the car with me. I remembered while sitting in the car, I felt very sad.

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and did not talk to anyone. No one in the car spoke very much.

I have been instructed not to discuss this matter with anyone other than the person(s) conducting this interview, representative(s) from OPR, FBIHQ, and/or an FBI Employee Assistance Program (EAP) Counselor, and/or personal or Department of Justice appointed counsel. I have been told if I decide to discuss this matter with anyone else, I must first obtain authorization from the interviewer(s).

I have read this statement consisting of eight pages and it is true and correct.



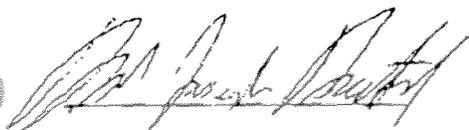
Christopher R. Braga
Special Agent

Sworn to and subscribed to before me on this 22 day of July 2003, in Washington, D.C.



Vicki Ann Mueller
Supervisory Special Agent

Witness:



Mark Joseph Bartek
Supervisory Special Agent

Qualifications

My name is Dudley F. B. Hodgson. I am sixty-two years old and self-employed as President and proprietor of D. Hodgson Associates Inc., an International Security and Investigation company that was founded in February 1999. My list of clients is confidential but includes several Fortune 500 companies as well as state governments in various parts of the country, and the Federal Government.

I was born and raised in the Baltimore, Maryland area, attended Baltimore City public schools and graduated from the Boys Latin School in 1961. I attended The Citadel Military College of South Carolina in Charleston, from 1961 until June 1965 and graduated with a Bachelors Degree in History. At the same time, I was commissioned a 2nd Lieutenant Infantry and went on active duty with the United States Army in September 1965.

I attended Infantry Officer Basic School, Airborne School, Ranger School, and Pathfinder School. My first assignment was as a platoon leader in the 3rd Infantry Division, Aschaffenburg, Germany. I spent eighteen months in Germany as a platoon leader and Company Commander and was then sent to Jungle Warfare School, Fort Gulick, Panama for specialized Jungle Warfare training with 10th Special Forces.

I was then sent to the Republic of Vietnam, arriving in-country in November of 1967. I was assigned as a Recon Platoon leader for the 5th

Battalion 60th Infantry (Mechanized) 9th Infantry Division and was wounded in the Battle of Saigon in Tet, February 1968. I was evacuated to an Air Force Hospital in Cam Ranh Bay for recovery and rejoined my unit in April 1968 after being promoted to Captain. I was wounded a second time in the so-called second Tet Offensive at My Tho in May of 1968 and, after six (6) weeks of recovery, was reassigned to a Military Assistance Command (MACV) and ran a special operations group (SOG) with 5th Special Forces on the Cambodian Border. I came home on December 22, 1968 and finished my four years of active duty at the Infantry Center Ft. Benning, Georgia on General Staff.

I entered on Duty as a Special Agent in the FBI in November 1969 and served in Field offices in Cincinnati Ohio, Columbus Ohio, Detroit, Michigan, and Baltimore Maryland. The vast majority of my FBI career has been spent in criminal investigations, primarily drug and violent crime investigations. I have been in three shooting incidents in my FBI career and shot and wounded a suspected felon after he opened fire on me in 1973 in Detroit, Michigan. From 1991 until 1997, I was the senior Agent on the Violent Crime Task Force in the Baltimore Division and my office was located in the Homicide Division of the Baltimore City Police Department. I have arrested and/or participated in the arrest of hundreds of violent criminals over my 28-year career. Many of these individuals were characterized as "armed and dangerous." During my twenty-eight year career in the FBI, I also spent almost fourteen years in various undercover roles in both long-term and short-term covert operations.

I have attended numerous FBI schools including General Criminal in service, undercover techniques, advanced interrogation techniques, photography, and drug lab and murder crime scenes. I attended the Armed Forces Institute of Pathology Murder Crime Scene/Forensics course and was a frequent lecturer at Quantico, Virginia FBI Academy on undercover techniques and advanced deep cover covert operations, and bike gang investigations. I have lectured at the National Security Agency (NSA), the Central Intelligence Agency (CIA), the Defense Intelligence Agency (DIA), the FBI Academy, and the U.S. Army War College in Carlisle, Pennsylvania on the John Walker, Ronald Pelton, and Thomas Dulce espionage cases and on advanced espionage interrogation techniques.

From 1985 until 1991, I worked foreign counter intelligence matters in the Baltimore Division and was the lead Interrogator in the Ronald Pelton Espionage Case, codename "Passerine", and participated in the Interrogation of John Walker, codename "Wind Flyer". In 1989 and 1990, I was the co-case agent and the lead interrogator of Thomas Dulce, a physicist at Aberdeen Proving Ground who was spying for the South African Intelligence Service on an investigation codename "Foul Wind."

In October 1997, I resigned from the FBI after twenty-eight years service and was appointed Chief Investigator for the U.S. House of Representatives, Committee on Government Reform and Oversight. In this capacity, I worked with Chief Counsel Richard D. Bennett (now U.S. District

Court Judge) and conducted the House investigation into illegal campaign contributions and foreign money that came into the 1992 and 1996 Presidential elections. I coordinated the turn-over of the House of Representatives Investigation to the Honorable Henry Hyde, Chairman of the House Judiciary Committee.

In February 1999, I left government service with the House of Representatives and started D. Hodgson Associates Inc., an International Security and Investigative agency.

male was objectively unreasonable in light of the circumstances and information available to him at the time of the incident.

Issue #2.

Did Special Agent Braga use deadly force against the plaintiff based on a "sound" reason to believe that the plaintiff posed a threat of serious physical harm to himself or others and would any other officer in the same circumstances conclude that the use of deadly force was justified?

Opinion:

No reasonable FBI Agent in Braga's position would reasonably have believed that the use of deadly force against Mr. Schultz was justified based on the totality of the circumstances. Agent Braga did not have any sound reason to believe that Mr. Schultz posed a threat of serious physical harm to Agent Braga or others, and any belief on the part of Agent Braga that there was such reason would not have been reasonable in light of the situation as Braga knew it to be. A reasonable FBI Agent in the same circumstances would not have concluded a threat existed justifying the shooting of Mr. Schultz

The analysis and opinions in this report were based upon, but not limited to, the following material:

1. The Anne Arundel County shooting investigation File Number 2002-708878.
2. Direct examination of the site of the incident and surrounding area.

3. Direct examination of the site of the fatal shooting by Agent Braga of Donald Lee Thompson on February 3, 2000.
4. Direct examination of the involved 1995 Pontiac Trans Am.
5. Transcribed Grand Jury Testimony of Joseph Schultz.
6. Transcribed Grand Jury Testimony of Kristen Harkum.
7. Transcribed Grand Jury Testimony of Christopher Braga.
8. Transcribed Grand Jury Testimony of Henry Hanburger.
9. Transcribed Grand Jury Testimony of Stephen Stowe.
10. Transcribed Grand Jury Testimony of Bradlee Sheafe.
11. Transcribed Grand Jury Testimony of Deborah Arduini.
12. Transcribed Grand Jury Testimony of Lawrence Brosnan.
13. Transcribed Grand Jury Testimony of John Hall.
14. Transcribed Grand Jury Testimony of Eric Karandy.
15. Statement of Christopher Braga dated July 22, 2003.
16. Copies of various Grand Jury exhibits.
17. Copies of official police photographs.
18. A copy of the complaint and related documents.
19. Direct examination of the vehicle parts seized by the FBI.
20. Aerial photographs of the area of the incident.
21. Meteorological reports of the dates, times, and years of the two shooting incidents.
22. Review of all available newspaper accounts of both incidents.

23. Medical examiner's report of autopsy of Donald Lee Thompson.

24. Prince Georges County investigation of the Thompson shooting.

Based on my twenty-eight (28) years of experience in the FBI, twenty-three (23) years of which I spent in the Baltimore Division, and my background of numerous arrests of violent criminal subjects, I was asked to examine the physical details and evidence of this case and the sworn statements of the participants and write a report that answers the two primary issues set out above.

In the preparation of this report, I have visited the March 1, 2002 shooting scene that resulted in Joseph Schultz being shot in the face. I also visited the shooting scene in Laurel, Maryland, in which Agent Christopher Braga shot and killed Donald Lee Thompson on February 3, 2000. Numerous photographs were taken at both locations and approximate measurements of the distances involved and location of bullet holes were obtained. Based on my observations, measurements, and photographs, diagrams of the shooting scenes were also prepared. Aerial photographs of the neighborhood in the vicinity of the 7-11 convenience store meeting place were obtained, and weather and meteorological charts were collected regarding the date and time of the Schultz shooting, the weather for said date and time, and the lighting available. Additionally, on April 22, 2004, Mr. Joseph Schultz and Ms. Kristin Harkum agreed to reenact the shooting scene and posed for numerous

photographs inside the red Trans Am while a forensic expert utilized a laser beam situated along the ballistic line of travel to Joseph Schultz's face in order to accurately reconstruct the path of Agent Braga's bullet and the position of Mr. Schultz at the time that he was shot.

Finally, I reviewed the sworn statements and Grand Jury Testimony of all the participants in this incident and interviewed Timothy King.

I have reviewed these statements not only to identify inconsistencies or misstatements, but in light of my own training and experience as a violent crime investigator in my own FBI career.

Agent Hanburger, a twenty-two year FBI veteran, testified to the Grand Jury that on the day of the robbery he was on annual leave. Upon his return he assisted Agent Brosnan in various ways up until March 1, 2002 – the date of the incident. On March 1, 2002, Case Agent Brosnan asked Agent Hanburger to assist the Anne Arundel County detectives in the interview and possible polygraph of an individual who had borrowed the pick up truck used in the bank robbery of the AllFirst Bank. While at the CID office of the Anne Arundel County Police Department, Agent Hanburger received a phone call from acting Senior Resident Agent Eric Karandy who requested that he return to the Annapolis Resident Agency to brief a team of Agents that were going to assist in the arrest of the subject, Michael Blottenberger.

Agent Hanburger stated that he returned to the Annapolis FBI office and believed that an Operations plan had been prepared and approved. Based on

his knowledge of the investigation, and the proposed Operations plan, Agent Hanburger briefed the four (4) Calverton Agents assigned to this arrest. Specifically, he briefed Agents Steve Stowe, Donald Kornek, Bradlee Sheafe, and Christopher Braga – all members of the Calverton Resident Agency and all S.W.A.T. team trained with the exception of Agent Kornek. Indeed, Agent Hanburger was S.W.A.T. trained himself and had been assigned to the Baltimore division S.W.A.T. Team since 1987. Senior Resident Agent Karandy was present, but Agent Hanburger primarily conducted the briefing.

Agent Hanburger stated in his Grand Jury Testimony that he did not read the Operations order, but instead gave an extemporaneous briefing after he thanked the participating Agents for their assistance. Hanburger told the Agents about the AllFirst Bank robbery, and that the case Agent, Agent Brosnan, was working with a cooperating witness. Agent Hanburger testified that he provided each member of the arrest team with the following information:

1. A photocopy of a photograph of the subject Michael Blottenberger and details of his criminal history that included an attempted murder charge and the fact that Blottenberger was possibly suicidal.
2. A copy of Brosnan's hand written information sheet that included a physical description and photograph of Blottenberger.

3. A physical description of the cooperating witness, Timothy King, a description of King's pickup truck, and a description of the clothing King would be wearing.
4. A description of two automobiles; a gold or silver Ford Escort owned by Blottenberger and an older model blue Chevrolet station wagon with square lights, owned by Blottenberger's girlfriend Lisa, described as a white female with short red hair.

The operations plan, as presented by Hanburger, and as subsequently written, called for a static, on foot arrest at a location to be supplied by the cooperating witness, and passed on to the participating Agents. The cooperating witness was also to be arrested (although King advised this investigator that he was never told this) to protect him by making Blottenberger think that the cooperating witness had not set him up.

When the exact location was determined to be the 7-11 at Marley Neck Boulevard and Route 648 (Baltimore-Annapolis Boulevard), Hanburger says, and all the Agents agree, that King would meet Blottenberger inside the 7-11 and that when they came out together, the Agents would block-in whatever car Blottenberger had arrived in and arrest both Blottenberger and King in the 7-11 parking lot. No plan for a moving surveillance or a car stop was discussed, and Hanburger was sure that Brosnan would make the identification and order the take down.

Hanburger makes much of the communications problems that must have truly been vexing, but when the scene shifted to the area of the 7-11, "the plan" went out the window. Hanburger admitted in his sworn statement right after the incident, as well as in his Grand Jury Testimony, that he deliberately positioned himself well away from the 7-11 after following King to the location and observing him park his truck. Hanburger never saw the occupants of the red Trans Am and based his decisions on the radio transmissions he heard from Braga, Stowe, Mones, and Brosnan.

Hanburger claimed that he turned down his Anne Arundel County radio as the constant radio traffic was distracting, and he never got any transmission about Blottenberger being in a red Honda Civic. He also denies that he heard Brosnan caution, "we don't know who is in the red car." As noted later in this report, Hanburger's denials are contrary to fact. Both Brosnan and Hanburger agree that Hanburger, in an attempt to catch up with the cars following the red Trans Am, passed Brosnan at a high rate of speed with his emergency lights and siren on. Hanburger knew that Brosnan was, at most, a minute or two behind, but when the Agents asked for instructions, Hanburger says that he ordered the stop by directing, "Yes go ahead if you think you can." In his Grand Jury Testimony, Hanburger stated, "I was firmly of the belief that Blottenberger was in the red car." However, this was not a reasonable belief based on fact.

Agent Hanburger assumed at the beginning of this operation that Brosnan would make the identification and order the arrest. In the almost total absence of factual information and with the knowledge that Brosnan was close behind, Hanburger usurped Brosnan's role as leader of the operation and ordered the pursuing Agents, as they quoted Hanburger, to "Take him down".

Additional facts that demonstrate that no reasonable Agent in Hanburger's position would have believed that the white male in the red Trans Am was Blottenberger and arrest the white male who was in the car, are described in later parts of this report. Agent Hanburger attempts to minimize his culpability are also described at length.

In approaching the question whether any reasonable Agent in the same circumstances with the same knowledge would have believed that he had reason to shoot Schultz, I focused my attention on the instant he shot Joseph Schultz. I determined from the sworn statements and Braga's Grand Jury testimony that prior to March 1, 2002 Braga had not worked on this Annapolis based investigation and found no evidence that Braga was fully informed about the AllFirst Bank robbery or the suspects Ryan Grimes and Michael Blottenberger. Braga's first contact with this case, according to Agent Brosnan's testimony and Agent Braga's Grand Jury testimony, on June 25, 2002, came when Braga contacted Brosnan on another matter and learned that Brosnan wanted help with the arrest of a bank robbery suspect that afternoon. Agent Braga told Agent Brosnan that he would help and volunteered to round

up some other Agents from Calverton's violent crime task force where Agent Braga was assigned. Agent Braga succeeded in recruiting Agents Steven Stowe, Bradlee Sheafe, and Donald Kornek, Kornek being the only member of the team that was not a S.W.A.T. member. It is noted that, of this team, Agents Stowe and Kornek had also been with Agent Braga when he fatally shot another unarmed individual, Donald Lee Thompson Jr., in Laurel, Maryland on February 3, 2000.

The Calverton Agents proceeded to the Annapolis Resident Agency and were briefed by Agent Henry Hanburger, who had reluctantly assumed the role of briefing officer and second in command in the absence of Agent Brosnan, the case Agent, who was reportedly working with the cooperating witness.

Hours could be spent describing what was not included in the briefing or operating order. The Court has recently ruled that the planning, or lack there of, in this operation is not pertinent to the issues addressed in this report, and so they will not be pursued at this time. Agents Hanburger and Karandy conducted the briefing. According to all the participants, the briefing lasted between thirty (30) and thirty-five (35) minutes. Agent Hanburger told the Agents that Agent Brosnan had a bank robbery suspect and was working on a warrant for his arrest. Brosnan had a Cooperating Witness (CW) who was going to meet the subject at some point later in the day. The subject's name was Michael Blottenberger, and Hanburger provided a physical description of

Blottenberger, along with a copy of an identifying photograph for the Agents involved in the arrest. Information on the bank robbery was also outlined in the briefing.

It is at this early stage that Agent Braga's unreasonable and exaggerated perception of the information that he was given begins to deviate greatly from the perceptions of the other Agents. At various points during the operation, Braga exaggerated or unreasonably misinterpreted the facts that led to his eventual shooting of Schultz. In Braga's Grand Jury testimony on June 25, 2002, he told the Grand Jury the following, beginning with pages five (5) and six (6) of Braga's testimony:

"Agent Brosnan's cooperating witness said the man's name was Michael Blottenberger... who was a very dangerous man who robbed a number of banks using firearms and did not want to go back to jail and was suicidal." Braga, presumably referring to Brosnan, continued by saying, "[Brosnan] specifically said suicide by cop. So, he asked for help."

On page six (6) of Braga's Grand Jury testimony, Braga asked to further explain his understanding of "suicide by cop." Braga told the Grand Jury that, "It's a – it seems like it's more prevalent now than I guess it was in the last fifteen years, but a lot of people – it seems a lot of criminals want to commit suicide and are doing so by forcing police to take an action, by either hurting others, hurting other officers and forcing officers to take action where they have no other choice. It's a very – it's probably the most dangerous situation. I

mean we rely on someone not wanting to be, you know, injured. But when someone is not logical and wants to be injured it really throws a very dangerous situation into the mix. It's pretty much the worst situation that you can be faced with as an agent or an officer."

A member of the Grand Jury then asked Braga, "Do you get training for situations like this? Has it happened to either you or people that you know?" to which Braga responded, "Yes. I've - I've never had a person who wanted me to shoot them. I've had people who've committed suicide when I've tried to arrest them. I do know of incidents involved where people have been - you know - please shoot me. Shoot me. Things like that, but (page 7) it hasn't happened to me personally. They have unfortunately killed themselves, but I've never been faced with a situation where someone was trying to get me to use deadly force against them. But I know that has happened in a number of occasions in this division."

A review of the Grand Jury Testimony of all the other Agents involved in the briefing, and in their sworn statements to the FBI and the Anne Arundel County police just after the shooting incident, has failed to discover any other reference to "Death by Cop." Indeed, the suicide theme started with King, who told Agent Brosnan that, after contacts with Blottenberger and Blottenberger's mother, he, King was of the opinion that Blottenberger was despondent and possibly suicidal. Agent Brosnan, in his Grand Jury testimony, said that he put "possibly suicidal" in his Operations plan because

he wanted the participating agents to have as much intelligence information as possible. King told Brosnan "possibly suicidal" and that is what Brosnan passed on to the Agents. Agents Kornek, Sheafe, Stowe, and Hanburger, who gave the briefing, say in their Grand Jury Testimony that they were told that Blottenberger was "suicidal" or "possibly suicidal." Senior Resident Agent Karandy, who gave the briefing with Hanburger, did not mention in his testimony that the word "suicide" was used at all during the briefing, but Agent Braga firmly fixed "Death by Cop," in his mind, and it helped color his unreasonable misperception of everything else that happened right up to the shooting.

For the rest of page seven (7) of his Grand Jury Testimony, Agent Braga talked at length about his extensive S.W.A.T. training, his understanding of the FBI's deadly force policy, more information concerning the briefing, the arrest plan and the fact that at the time of the briefing, the Agents did not have an arrest location because the situation was "fluid." On pages thirteen (13) through fourteen (14), Braga testified about the communications procedures and problems that the Agents experienced, and on page fifteen (15), he testified that he and Agent Sheafe eventually set up in the parking lot of a pizza place on Baltimore Annapolis Boulevard, Maryland Route 648, within sight of the 7-11 meeting place.

On page sixteen of his testimony, Braga said that the Agents set up at the 7-11 location because the cooperating witness got back to Agent Brosnan

and told Agent Brosnan that the meeting with Blottenberger would take place at this location. Braga also said, "We got information that Blottenberger always wears a white baseball cap and would be with a white female with red hair." NOTE: The Agents were told in the briefing that the last time King saw the subject he was with his girlfriend Lisa, who has short red hair and drives a blue station wagon with square lights, and that Blottenberger drove a silver or gold Ford Escort. The Agents were told that King would be dressed in black with a white baseball cap and that Blottenberger frequently wore a baseball cap (not necessarily a white baseball cap). Braga had once again exaggerated and unreasonably misperceived his information.

Braga said on page sixteen (16) that he saw King's pickup truck parked in the 7-11 lot directly in front of the 7-11, and a few minutes after King arrived, a red car pulled into the 7-11 lot and parked right next to King's vehicle on the side away from Braga's location. Braga said that he had a small pair of binoculars but he could not see King once King went into the 7-11. On page seventeen (17) of his Grand Jury Testimony, Braga said that he saw a white male exit the passenger side of the red car and enter the 7-11. The white male was wearing a white baseball cap; Braga said he could not see the driver from his position and that he radioed Agent Stowe to move to the location and see if he could identify the driver of the red car.

On page fifteen (15) of his testimony, the Grand Jury asked Braga to describe his impressions of this activity, and he testified, "myself and Agent

Sheafe both said number one he – the car had parked next to the cooperating witness' truck, which was, we thought strange because there was no – there were other parking spots available, and it just looked a little strange. And then, when he got out of the car and the car was – had two people in it. That's why we were being so specific calling out on the radio saying we have a white male in a white baseball cap in the 7-11."

On page nineteen (19) Braga testified that Agent Stowe and Kornek had, by this time, moved from the position near the church on the other side of the Baltimore Annapolis Boulevard, and one of them said "the car is being driven by a white female and it looks like she's got red hair."

The red car in question was the red Trans Am driven by Kristen Harkum, age sixteen (16) and the passenger was Joseph Schultz, age twenty (20). Kristen has long dark brown hair that in no way could be confused with Blottenberger's girlfriend Lisa's short red hair. The fact that Harkum parked her red Trans Am next to the cooperating witness' truck, which was highly suspicious to Braga, is indicative of Braga's pattern of exaggeration and unreasonable misperception. It was not suspicious at all. The cooperating witness, King, had parked right in front of the 7-11 entrance door, and the spot Harkum picked was the spot closest to the front door that was available. Anyone driving into the 7-11 to purchase something would have selected that same spot.

Beyond all of the above, however, is the fact that the FBI had a plan – not much of one, but a plan nevertheless – that had been discussed and agreed to by all of the Agents involved. King was supposed to meet Blottenberger at the 7-11 with a small duffle bag filled with clothes and some money so Blottenberger could flee the area. King was supposed to meet Blottenberger inside the 7-11 to draw him out of whatever car he arrived in, and King would then walk Blottenberger back outside to get the duffle bag and money that King had left on the front seat of his truck. The white male (Schultz) who got out of the red Trans Am, went into the store, bought a Slurpee, a snack for himself, and a soda for Kristen, paid for the items, and exited the store and got right back into the Trans Am. Both King and Schultz have attested that neither made any contact with anyone but store personnel while inside the 7-11, and King did not recognize Schultz when he was asked to look at Schultz after the shooting.

Schultz came out of the 7-11 with his hands full of a Slurpee, a soda, and food but Braga claims not to have seen this. The cooperating witness, King, did not exit the store with Schultz which he was supposed to do with Blottenberger. Indeed, King did not come out of the 7-11 until Schultz and all the Agents had left the lot and were half way to Fort Smallwood Road.

Blottenberger and his sister, who was driving her red Honda Civic, had been cruising the area and spotted the intense police activity (thirteen (13) Agents and county detectives in approximately ten (10) cars). King's cell

phone died just as he arrived at the 7-11. He saw Blottenberger in the red Honda Civic drive by with his sister and instantly realized that Blottenberger had seen the police in the area and was not going to meet King in the 7-11. King desperately tried to find a phone and utilized a citizen's phone inside the 7-11 to get word to Agent Brosnan.

Hanburger was cruising the area, and was out of sight of the 7-11. In his Grand Jury Testimony, Hanburger testified that he turned his Anne Arundel County radio down so as not to be distracted by all the Anne Arundel County radio traffic, and that he turned the Anne Arundel County radio up when he communicated with the Anne Arundel County detectives. In the Anne Arundel County police shooting investigation report on page 117, there is a transcript of the call by Hanburger to the Anne Arundel County detectives at 1805 hours and 08 seconds. Hanburger told the detectives that there was a "red car traveling north on 648." The detectives responded that they "believe it's going to be a red Honda Civic, male passenger, female driver." Despite this transmission transcript, Hanburger testified to the Anne Arundel County Grand Jury that he had never gotten any information about a red Honda Civic – but this is patently not so. Additionally, since Hanburger was the only Agent on the scene with an Anne Arundel County radio, and since Hanburger did not share the information, no one else got the information about the red Honda Civic.

Brosnan said in his Grand Jury testimony that he and Agent Mones had been traveling up and down Maryland Route 648 in the vicinity of the 7-11. Brosnan said that he saw the cooperating witness' truck parked in front of the 7-11 and after someone (unknown) said something about a red car next to the cooperating witness' truck, he and Agent Mones drove by the 7-11, and he observed the red Trans Am parked next to the cooperating witness' truck. Brosnan said that someone, again unknown, transmitted that the Red Trans Am was driven by a white female and that there was a white male passenger wearing a white baseball cap. Brosnan stated that he and Mones again drove by the 7-11 and saw two people in the red Trans Am but "could not identify them."

Brosnan stated that he was unable to reach the cooperating witness on his cell phone and while he heard a transmission indicating that King had gone into the 7-11, he was not sure King was inside on his last pass by. Brosnan stated that King's truck was empty but the two people in the red car were pulling out of the parking lot onto Marley Neck Boulevard. Mones put out on the radio that the red car was leaving and that, "we don't know who it is, but we need to follow it." Brosnan testified that he believed there was a possibility that King was in the red car and he thought the occupants of the red car might be related to this case in some way or might lead them to Blottenberger. For the above reason, he directed Agent Mones to tell the other Agents that "we don't know who it is, but follow the red car." Brosnan

told the Grand Jury, "I knew Chris Braga was across the street and might have a good vantage point to see and to follow, because I've worked with Chris in the past. I knew his four digit direct connect number and I programmed it in and I got him, and I said, 'Chris, follow the car. We don't know who it is,' or words to that effect."

The question at this point is what had happened that had caused all the Agents involved to abandon the original plan and follow the red car? While Braga apparently assumed that the white male in the Pontiac Trans Am was Blottenberger, it was an assumption that was not reasonable and was not based on fact. Brosnan, who had no contact with King and who could not see anything, was reluctant to let the red car get away, so he told the Agents to follow the red car. Brosnan testified that he told them, "we're not sure who is in the car." In his Grand Jury testimony, Hanburger admitted hearing Brosnan giving his instructions to the Agents. Hanburger claims, however, that Brosnan said, "That's the car," meaning that Blottenberger was in the car. Brosnan's testimony shows that Hanburger's claim was untrue.

In the sworn statement that he gave on March 4, 2002 shortly after the incident, Hanburger admitted that he could not say that anyone had given him any description of the white male at the 7-11, that he could not say that anyone had reported seeing King at any time at the 7-11, and that he had not heard that the white male who was in the red car, and who had gone into the 7-11, was wearing a white baseball cap.

Now the stage was set for the last tragic act. Agents Stowe and Kornek were directly behind the red Trans Am as it proceeded down Marley Neck Boulevard to the Fort Smallwood Road intersection; Agents Braga and Sheafe were behind Agents Stowe and Kornek. Agent Hanburger, who had his lights and siren on, was followed by the two Anne Arundel County detectives, Scott Gall and Eric Hodge; they passed Brosnan and Mones to become the third and fourth vehicle.

Everything now hinged on Agent Braga's exaggerated and unreasonable misperception of what was happening. Agent Braga admitted on page twenty-three (23) of his Grand Jury Testimony that in his last conversation with Agent Brosnan before the incident, Brosnan said, "follow the car," and not, "that's our subject, follow the car," not, "stop the car it's Blottenberger," but Agent Braga, in his exaggerated misperception, concluded that that was what Brosnan was saying. Since the only arrest plan involved a "static" arrest on foot, there had been no discussion of a moving car stop and no plan. There had been no discussion of compliant versus non-compliant car stop and no discussion over who would be responsible for what.

Agent Braga, on page twenty-five (25) of his Grand Jury testimony, said that, as he and Sheafe were in the process of catching up to Stowe and Kornek, he made contact with Agent Hanburger and had a fairly extensive conversation (according to Braga) with Hanburger. Braga said on page twenty-five (25), "Okay, Stowe and Kornek have the red car. Sheafe and I are

catching up. What do you want us to do? Do you want us to follow it? Do you want us to stop it? And [Hanburger] said, 'well, when you get up there, we want you to stop the car; the subject is in the car, stop the car.' So we confirmed this. Are you sure? Do you want us to stop the car? 'Yes stop the car,' and I relayed that to Agent Stowe and Kornek and Agent Stowe actually asked Agent Hanburger again, 'Let's be clear. Do you want us to stop the car?'"

Agent Hanburger told a different story in his Grand Jury testimony. Hanburger said that in the absence of a response from the Case Agent, Brosnan, and after waiting several seconds, he told the Agents, "well pull them over if think you can." Hanburger stated that he had no facts as to who was in the red Trans Am but assumed, based on radio transmissions, that it was Blottenberger.

There is no disagreement in any of the Agents' testimony that Kristen Harkum, driving the red Trans Am, proceeded along Marley Neck Boulevard at the legal speed limit, that she did nothing that could have been interpreted as evasive action, and that she came to a full stop at the red light at Marley Neck and Fort Smallwood Road. Indeed, Harkum and Schultz both testified that they were totally unaware of the Federal convoy behind them.

On page twenty-eight (28) of his Grand Jury Testimony, Agent Braga responded to a question from the Grand Jury, "Did you correspond with Stowe and Kornek in their car about how you were all going to effect this stop of the

car?” and Braga responded, “We just said okay. We confirmed again, ‘you understand that’s the subject, we want to stop the car.’ And they said, ‘Yeah, we understand.’” Braga went on to explain on page twenty-eight (28), “There’s standard procedures for how we would do that and there’s – you know – they were the car right behind [the suspects]. We’re the car behind [Stowe and Kornek]. It really isn’t much that needs to be said except that – confirming that – okay we need to stop that car. So that was pretty much the only talk. Once the – we started to initiate the stop. As we were rolling up to the light we put our lights on.” It is obvious from Braga’s testimony that there was no discussion among the Agents as to whether to make a compliant or non-compliant stop and that at the moment that the Agents decided that they wanted to make the stop, they all had in their minds that they would go through the exercise as a non-compliant stop.

It’s also at this point that Braga’s exaggerated and unreasonable misperception became deadly. “I remember seeing their car stopped at the red light. I’m broadcasting over the radio, ‘Okay they’re stopping.’ Then I remember seeing the brake lights go off. I remember calling out, ‘the brake lights are off. They’re not stopping,’ and then the red car accelerated, like took off at a very high rate, like tires squealing and I said, ‘they’re taking off, they’re running, they’re running.’”

On page thirty-one (31) of his testimony, Braga admitted that he didn’t actually hear any tires squealing, but he was sure they were running away. “I

called out, 'They're taking off. They're booking or boogying.'" On page thirty-two (32), Braga told the Grand Jury that Agent Stowe and Agent Kornek accelerated past the red car and drove along side it for awhile and "the car was going pretty fast, and at some point they cut in front of it to cut it off to stop it, and I called out, 'Okay, we've blocked the car.' We're about four hundred meters [three football fields] from the intersection. I didn't say we've stopped it yet, because I thought that they were going to try to take off again."

From pages thirty-two (32) through thirty-four (34), Agent Braga expanded on compliant vs. non-compliant traffic stops. "They were attempting to flee. We thought, Blottenberger has made us, and he's taking off, and now he's definitely taking off when we hit him with the lights and sirens and he's trying to escape."

The reality is that Harkum and Schultz were not trying to escape or even accelerate unreasonably at the intersection. They were totally oblivious to the lights and sirens behind them and the stop was actually made no more than 125 feet from the intersection, not the 400 to 500 meters Braga claimed. Scott Wills, a forensic reconstruction expert, has submitted his own report describing the slow speeds that the vehicles would have had to have been traveling in order to come to a complete stop in that short distance.

From pages thirty-seven (37) to forty-four (44), Braga attempted to explain his actions leading up to the shooting. His explanation of where the Agents positioned themselves, what he could see inside the car utilizing the

flashlight built into the forearm of his M-4 and who was shouting what commands, and most importantly, what was going through his mind just before he squeezed the trigger. The difference between Braga's exaggerated and unreasonable misperception and reality is astounding:

Exaggerated misperception: "They took off from the light at a high rate of speed, and they were definitely trying to get away. We finally succeeded in pulling them over about 400 to 500 meters down the road."

Reality: Kristen Harkum never went over the speed limit while driving on Marley Neck Boulevard. She stopped at the red light at Fort Smallwood Road and Marley Neck Boulevard, executed a right turn, and accelerated slightly to insure a safe merge with traffic on Fort Smallwood Road during rush hour. She realized what was happening and pulled over within 125 feet.

Exaggerated misperception: "I started yelling FBI – get your hands up, show us your hands numerous times in a loud voice. I never saw his hands until later on, and they were not up. I never saw any part of his hands. I could not see, but I assume they were down in his lap area, could only see his head and shoulders."

Reality: In a reenactment of the shooting scene, I photographed Joseph Schultz seated in the red Trans Am, from the perspective of where Agent Braga had been standing and could clearly see his hands no matter where he put them.

Exaggerated misperception: Braga says that the time from before the pull over and the shooting was "I'd say maybe a minute" and twenty (20) to thirty (30) seconds from the time of his first order of "raise your hands" to the shot being fired.

Reality: Both the other participating Agents and Schultz and Harkum agree that the elapsed time between the Agents stopping their vehicles and the shot was no more than four (4) to ten (10) seconds, not even enough time for Agent Sheafe to exit his vehicle.

Exaggerated misperception: "He's going to do something. This is not, you know, maybe once someone not complying with your commands is just, you know, the shock of what's going on. But, you know, after three, you know, two times, three times of not even acknowledging that I'm there and no response at all, I remember thinking, he's going to do something."

Reality: There was not sufficient time for Schultz and Harkum to even understand what was happening to them, especially in light of the fact that the

Agents were not wearing anything that identified them as police and were not driving marked cars.

Exaggerated misperception: "I remember seeing the passenger turning towards the console area and leaning forward as if he's reaching down under the – in between the seats, the console area."

Reality: Both Agents Stowe and Braga had tried to open the door on the passenger side and found it locked. Agent Kornek had also tried to open the driver's side door without success. Some or all of them started shouting "Open the door." Schultz had to move to open the door and comply with the Agents' order and was shot as soon as he moved toward the door.

Exaggerated misperception: "He's going for a gun. He's going to get a gun. He's going to shoot Agent Kornek, and the girlfriend, and then he's going to try to shoot myself, me, and Agent Stowe, and he's going to commit suicide. He's going to go out just like he said he's going to go out. I remember thinking he's going to shoot the girl. He's going to shoot Kornek, and then he's going to try to shoot us and force us to shoot him. So I viewed her as a potential hostage or a victim at this point."

Reality: The above description of what Agent Braga claims was going through his mind just before he pulled the trigger comes several months after the incident and is self serving in the extreme. "Death by cop" was a total figment of Braga's imagination. Misidentification of Schultz as Blottenberger and Kristen Harkum as Blottenberger's girlfriend, Lisa, with the short red hair, were figments of Braga's imagination and contrary to Brosnan's and Mones's advice to Braga that the Agents did not know the identity of the passenger in the Trans Am. The claim that the red Trans Am was trying to get away and traveled 400 to 500 meters before being forced to pull over is also a figment of Braga's imagination.

Braga's tendencies toward exaggeration and misperception were also tragically illustrated in his shooting of Donald Lee Thompson, Jr. on February 2, 2000 in Laurel, Maryland. Braga's actions and exaggerated misperceptions in connection with this earlier shooting are highly indicative of his state of mind when, in another high stress confrontation, he shot and seriously injured Joseph Schultz. In his sworn statement of April 3, 2001 regarding this incident, Braga stated that he and other members of Squad Nine (9), his Violent Crime Squad in Calverton, Maryland, were assembled and given a "very detailed and comprehensive briefing concerning the arrest of Donald Lee Thompson, a federal fugitive from West Virginia. Each member of the team received a very clear, definite assignment. A map of the location and a plan of entry were also provided. All contingencies were thoroughly covered.

Braga advised that there were thirteen (13) to sixteen (16) individuals on the arrest team and his specific assignment was to position himself at the corner of the building near the entrance of the ground level apartment to assist in securing the perimeter in the event the subject attempted to escape from the location. Braga noted that there were six (6) other Agents and a State Trooper situated on the perimeter. The arrest team consisted of the case Agent, Stephen Stowe (coincidentally also involved in the Schultz shooting), Special Agent Louis Luciano Jr., Gregory Kiser, Officer Omar Da Za from the Prince George's County Police Department and Deputy Derek Matthews from the Prince George's County Sheriff's office.

Agent Stowe had a cooperating witness and intended to make a phone call into the apartment as soon as the cooperating witness confirmed that the Subject was in the apartment. Agent Stowe made the phone call but when no one answered, the entry team broke the basement level door in the rear of the building and entered.

Braga said that within a minute or two of entry, he observed an "African American" hand at the window blinds on one of the basement level windows. At about the same time he heard a white female on the first floor screaming "he's in here," and saw her run out of the first floor apartment through the first floor apartment door. Braga said that he and Trooper Jones looked into the first floor apartment through the open door and observed a small child running through the living room crying. He noted that neither he nor Trooper

Jones could see the subject. He and Trooper Jones determined that the child was in danger and decided to enter the apartment to remove the child. Braga stated, "We called the child over and Trooper Jones retrieved the child and passed her to other personnel standing behind us near the doorway."

Braga said that at this point, he remembered hearing the white female, who had just left the apartment, say, "He's in the closet."

Braga and Trooper Jones took immediate cover behind the corner wall of the kitchen and scanned the apartment, looking for the closet. They also waited for the arrival of the entry team, which was equipped with a portable ballistic protection shield.

Braga said that after fifteen (15) seconds to one (1) minute, he observed a sheet hanging in front of a doorway, which he believed was the closet referred to by the white female. He also recalled seeing a pair of fur slippers below the sheet. Braga told the Grand Jury that due to the sheet, the absence of light and the absence of movement, he was unsure if this was the subject.

Braga and Trooper Jones began yelling commands for the subject to surrender. Braga stated that the command to surrender went on for several minutes with no response from the subject. He then noted movement behind the curtain. Braga said that the form behind the curtain seemed to move from a crouching position to a standing position. He said that Trooper Jones made more demands that the individual behind the curtain show himself, and make

his hands visible. "These commands went on for one or two minutes without any visible or verbal response."

Braga admitted that although he was not certain, he believed that the person behind the sheet was the subject for the following reasons:

1. The form behind the sheet seemed to be facing Braga
2. The person behind the sheet began to slowly move sideways away from the closet to the right (Braga's left), but still behind the sheet.
3. When the person moved three (3) to four (4) feet outside the closet, Braga said he could see his feet in the slippers below the sheet.

Braga said that at this time, the person, perhaps realizing that his feet were exposed, reversed his direction of travel and moved slowly back into the closet.

Near the entrance to the closet, Braga said that he appeared to turn, face the closet and began reaching into the closet, as if searching for something. Braga said he interpreted this activity as an attempt to search for something possibly a firearm.

Braga said that he continued to shout commands but he observed the person reaching into the closet and pulling objects off the shelves and dropping them on the floor. "His movements were slow and deliberate."

Braga stated that he estimated that the above activity took two (2) to three (3) minutes. He remembered switching from the "firing position" to the

“ready gun” position, and he remembers that this voice was growing tired from shouting commands. Braga stated that he recalled that the other members of the team were now standing behind him and that he was the most forward member of the team.

Braga said that he remembered thinking that “No one can support me if the subject finds a gun” and he remembered hearing team members talking out loud about his vulnerable position. Braga stated that, he did not believe that he could retreat safely from the apartment if the subject in fact had a weapon. Braga stated that although other team members urged him to use his weapon, he delayed doing so in the belief that the subject would eventually obey his commands.

Braga stated that after several more minutes of repeated commands, he concluded that the situation was no longer tenable and aimed his 9mm handgun at what he believed to be the figure’s center of mass behind the curtain and fired one round. Braga noted, that although Agent Luciano said something like “give him one” the decision to shoot was entirely his own and not based on any specific command.

Braga stated that after firing this one round, he observed the figure behind the sheet drop to either his knees or a crouching position, and saw his hand touch the floor to steady himself, and then immediately resumed reaching into the closet.

Braga stated that he immediately fired a series of five (5) or six (6) rounds, which did not appear to have any effect. Upon observing the lack of effect, he shouted out loud that, "My 9mm is a piece of crap." He then began firing into the sheet until he emptied his weapon (sixteen (16) rounds). As before, Braga noted that he did not observe any impact on the subject, and moved away from the kitchen wall to reload.

Braga said that Agent Jensen Jordan took Braga's previous position at the kitchen corner wall and fired one round that went through the corner wallboard and showered everyone near it with plaster and debris. According to Braga, Jordan then fired several more rounds at the figure behind the sheet. Braga said that at this point, Deputy Matthews ran up behind Agent Braga, fired a single round, and then took up a position near the opposite wall of the apartment.

Braga said that someone then yelled, "Brace for a flash bang," and then the flash bang went off. He then observed Agent Stowe, Luciano, and Jordan rush toward the subject, who by now was prostrate on the floor and no longer moving.

Braga estimated that it took the Agents three (3) to five (5) seconds to reach the subject after the flash bang went off.

Agent Jordan reached the subject first and when he reached to grasp the subject and pull him away from the closet his weapon accidentally discharged and impacted with the floor near the subject.

No mention was made in Braga's lengthy statement about actually finding a weapon and it was not until several days later in response to questions from the press that Prince Georges County Police Department stated that there was a loaded weapon (they did not identify the weapon) in the apartment.

Braga's actions and mind set in this incident are again, truly astounding.

At the time of this incident, Braga was a first office Agent with less than five (5) years in. He had been assigned perimeter security, but somehow positioned himself to run the whole show despite the fact that Agent Stowe was the case Agent and the senior man (much like the Schultz shooting). Braga said several times that he did not know if the subject was behind the sheet, and never saw a weapon. Despite the fact that the Agents had overwhelming force on their side and had a portable protective ballistic shield with them, Braga decided that he had been patient long enough, and decided to shoot the unknown figure behind the sheet. Braga said that his commands to surrender went on so long that his voice was beginning to tire. If one added up all the minutes and seconds that Braga said he shouted orders to the subject before firing, it comes to approximately nine (9) minutes. Witnesses at the scene, especially the white female in the apartment with the child, say that the shooting started as soon as she and the child were out of the apartment. The difference between the lengthy times exaggerated and unreasonably misperceived by Braga in the Thompson shooting are identical to Braga's

exaggerated and unreasonably misperceived time estimates in the Schultz shooting.

Braga said that he fired one round into what he thought was the subject's center of mass and when that did not get the desired results, he fired five (5) or six (6) more rounds, then expended his sixteen (16) shot 9mm pistol into the form behind the sheet and then reloaded. His only comment seemed to be, "My 9mm is a piece of crap." Why he felt the need to put this in his signed statement, even if it were true, is beyond any comprehension. He had just shot a human being (criminal or not) multiple times and was upset about the lack of effect. This was a remarkably callous sentiment from even a hardened veteran, much less a rookie with five (5) years on the job. Perhaps it was just bravado, but it gives us yet another example of Agent Braga's mind set and it's not pretty.

There is a disturbing pattern beginning to emerge regarding Agent Braga's misperceptions of the appropriate use of deadly force. In two separate incidents, he has shot two individuals and was unsure of the identities of either. He has elected to shoot even though there was no justification for doing so and other means to secure these individuals were readily available to him, and, despite his relatively few years on the job, his inexperience and the fact that he was not the case Agent or even the team leader in both incidents he has nonetheless assumed that role and two tragedies have resulted. Lack of planning and coordination, poor

communications, and lack of leadership also played a part in both incidents, but Agent Braga is the real problem.