

SUPPLEMENT

On 10/12/2020, I, Officer Fonte, self dispatched to an officer involved shooting at 2290 Avenue C at approximately 2232 hrs. I ran code from the downtown police station, 220 N 27th, to 22nd St W and Avenue C. On scene I spoke with a resident of the 2290 Avenue C apartment building. This female's name is Dawn Miller. Dawn told me that she did not see anything that happened between Officers and the male Suspect. However, Dawn told me that she heard gunshots and then ran inside to her mother's apartment, unit 3. I did not take a recorded statement from Dawn because she did not have any information to provide about the shooting.

Following this conversation, I was instructed to bring a female witness, Nicole Half, from the scene of the shooting to the downtown police station, 220 N 27th. I conducted a cursory search for weapons for Nicole and then sat her down in the back of my patrol vehicle.

Once at the police station, I brought Nicole inside and had her sit in an interview room by report writing.

This concludes my involvement in this case.

[REDACTED]

[REDACTED]

REPORTING OFFICER NAME AND ID#	DATE	REVIEWING SUPERVISOR	DATE
FRONTE # 0552	10/12/2020	HOEGER, TINA	10/12/2020

BILLINGS POLICE DEPARTMENT

Supplementary Report

20-76444

Date: 10/14/2020

the projectile strikes were consistent with gunfire from BICKFORD and NELSON's relative positions to STUMP, and STUMP being partially on his right side. A presumptive test showed the presence of amphetamine and methamphetamine in STUMP's urine. At the conclusion of the autopsy, I took possession of all the recovered items, and tagged them into evidence. A copy of the photos and x-rays were retained for upload to the BPD server.

On October 14, 2020 I contacted LORETTA NOME, the registered owner of the stolen Impala, by phone. NOME agreed to record our conversation, and gave me verbal consent to search her vehicle.

With consent obtained, Detectives Yarina and Chartier assisted me with searching the vehicle. During the search, window tinting, paint, and two 9mm cartridge casings were recovered. All items were tagged in.

On October 15, 2020, I learned from Detective Baum that a "witness" had been seen talking to the media about the shooting. The witness, who was identified as DAWN MILLER, told KULR8 news that she had seen part of the altercation take place. MILLER told the media that she had seen the suspect (STUMP) fire on officers first. I contacted the news director at KULR8, and inquired about the interview. He confirmed Miller's name, and asked that I send him a formal request to maintain the video pending a subpoena. The same day, he e-mailed me again to let me know that the raw interview with MILLER had been uploaded to their website. Detective Baum made a recording of that interview.

After searching the case file in the city system, I located a report from Ofc. Fonte. Ofc. Fonte indicated that he had spoken with MILLER on the scene. Per his report, MILLER did not have any first hand information of the incident. I attempted to contact MILLER at her listed residence, and by phone, with no success. (I later learned that MILLER is living out of her car, and the listed address was that of her mother.)

On October 16, 2020 at approximately 0900 HRS, I met with Ofc. GROMMES at the BPD Investigations Division. GROMMES indicated that he had at least two good sleep cycles prior to the interview, and was prepared to give a statement. The following is a summary of that interview, and is not intended to be a verbatim account. It does not represent all statements, made by all parties. The digital recording memorializes the event, and contains the actual words spoke.

BILLINGS POLICE DEPARTMENT

WITNESS STATEMENT HEADING



WITNESS: Dawn Miller

C & O NUMBER: 20-76444

DETECTIVE: David Raschkow #383

PLACE: Residence at:
2290 Avenue C #3
Billings, Montana 59102

START TIME: 15:27 Hours

END TIME: 15:41 Hours

DATE: January 7, 2021

This is Detective Raschkow with the Billings Police Department referencing case number 20-76444. Today's date is January 7th, 2021. The time by my watch is 15:27 hours. I'm currently at 2290 Avenue C #3, here in Billings and I'm speaking with Miss Dawn Miller.

- Q. Dawn can I have you say and spell your first and last name for the recording?
- A. Ah, it's Dawn Miller. D-A-W-N, M-I-L-L-E-R.
- Q. Okay. Dawn I have your date of birth as [REDACTED] [REDACTED] [REDACTED] is that...
- A. Yes sir.
- Q. ...correct? Okay. And you're a guest of your mother...

Dawn Miller 20-76444

A. Yeah.

Q. ...at 2290 Avenue C...

A. Yes sir.

Q. ...is that correct? And I have your phone number as [REDACTED]-[REDACTED]. Is that correct?

A. Yes sir.

Q. Okay. And the reason why we're speaking is an event that happened on October 12th of 2020.

A. Uh Huh (Affirmative)

Q. And there was a, an Officer Involved Shooting that occurred in the parking lot, just to the south of the apartment building here. Ahm, do you recall the day that we're speaking about?

A. I do. I just wasn't like, actually, like the date, I don't know for sure...

Q. But you recall the event?

A. But I recall the event, yes.

Q. Okay. Ahm, so, we've spoken about this, ahm, off recording, but explain to me, ahm, what you know of the events leading up to the shooting.

A. I was out in my van smoking a cigarette cuz that's where I go. Used to go out and smoke a cigarette.

Q. Okay.

A. When it was cold. And, next thing you know I saw cops show up and I got out of the van thinking I, might have been for me, cuz I might have had warrants at the time, pretty sure I did and I got out and put my hands up like, what did I do? What did I do? And turned out to find out they weren't here for me, they were here

for two cars that were in my mom's spot. The Impala, one red, one blue and, next thing you know, I heard some scuffling. I came upstairs, Ashley came upstairs towards my neighbor and she told me that she had called the cops cuz they thought ah, they were syphoning gas from her and she fuckin' felt bad and we talked about it and next thing you know, we heard some rustling around so I rushed over there and so did she and we saw the guy, cop wrestling him down, like he was already on the ground when we came over there and next thing you know you heard shooting. Cuz we had started walking back and sh, you heard shooting going off and everybody going gun, gun, gun and, I saw the flashes of the (UNINTELLIGIBLE) (CHILD TALKING IN BACKGROUND) that's about how fast I ran over there, cuz I'm, kind of a nosy Bee, kind of, cuz it was in my mom's area, you know.

Q. Okay.

A. And me and my son here, not only my son, but everybody else's kids, you know, I was kind of, being protective too. Not like I could've done anything but.

Q. No. So, when you say you were out in your van, where was your van in reference...

A. It was out in the corner between the Sandpiper and the Rose Parks.

Q. Okay.

A. Alleyway. Right there by the dumpster.

Q. Okay, so it's...

A. It's ah...

- Q. ...further to the east?
- A. Yeah, it's the Chevy Venture. It's technically my mom's van but she's letting me use it...
- Q. Okay.
- A. ...for now.
- Q. So you were, you were to the, say of the east of where this...
- A. Yes.
- Q. ...event was taking place?
- A. Yes. And like my car, my Honda Civic, that's out there parked, was literally like, in between her spot and the crime scene, like it was all in together, you know.
- Q. Okay. So, ahm, you got out cuz you thought (CHILD SCREAMING IN BACKGROUND CONTINUES THROUGH THE REST OF THE INTERVIEW) they might be there for you, you figure out they weren't there for you...
- A. And I came straight up here.
- Q. Okay, so you would've, had to of, did you go...
- A. Levi.
- Q. ...hmm.
- A. I do apologize.
- Q. No, that's okay. Did you go past them on the sidewalk then? Or did you go around the building?
- A. No they, they were still, like I had walked past them cuz they were at the back of the alleyway, like by the trunks of the cars.
- Q. Yeah.
- A. And I had walked up the, the sidewalk.
- Q. Okay, so...

Dawn Miller 20-76444

- A. Coming up towards the (UNINTELLIGIBLE)...
- Q. ...so between where, between where the...
- A. Shhhh.
- Q. ...between where the alley's at and the building, you walked on that sidewalk?
- A. Yes sir.
- Q. Okay. So, you kinda went past and then you...
- A. And I didn't like see the whole, I didn't pay attention to any of the scene going on behind me.
- Q. Uh Huh (Affirmative)
- A. I just kind of kept minding my own business until I got up there and s-s, heard the rustling around and the cops and the guy getting (UNINTELLIGIBLE) you know.
- Q. Okay. So, so you were...
- A. Hey.
- Q. ...passed them and then you came up the stairs to come to your apartment, er your mom's apartment, I'm sorry.
- A. Yes sir.
- Q. And you ran into your neighbor...
- A. Yeah and she told me Lee had went back down to smoke a cigarette.
- Q. Okay. So then...
- A. (UNINTELLIGIBLE)
- Q. ...you guys were outside, now where were you standing when you were with your neighbors smoking?
- A. Was like, we were standing, there's the right side by the playground, we were standing maybe like 5-10 feet away from

Dawn Miller 20-76444

that and ma, may, maybe 10 feet away from the scene. Just far enough to where nobody, we couldn't get shot at or, get hurt, just enough to see what was going on, you know.

Q. Okay, so you were watching...

A. Yeah.

Q. ...the events unfold.

A. Yeah.

Q. So tell me, ahm...

A. My neighbor girl had ran back upstairs at this time and I just wanted to make sure for her sake too, that, something ended up okay.

Q. Yeah, so, ahm, so you said that, you had seen, him, talking and then, and then him get taken down to the ground...

A. Yeah.

Q. ...did you see what transpired before that?

A. Not really no.

Q. Okay.

A. I know they were working on a bike and the cars, but that's about it. Like I was...

Q. Okay.

A. ...curious cuz they were in my mom's spot and I read a note earlier that they, couple days before and...

Q. Uh Huh (Affirmative)

A. ...recently, like, before the event occurred, recent, and nothing had changed and then all a sudden, boof, that whole thing happened you know.

Q. Okay.

Dawn Miller 20-76444

- A. Then at my mom and neighbor and me all felt like we were kind of at fault for it, but, it was like, they were stealing. They were sittin' there doing some'in they shouldn't have been doing, you know, like, I don't know the whole details of what was going on out there.
- Q. Well no it's, noth, nothing that happened out there is anybody's fault here.
- A. Right.
- Q. So. Ahm...
- A. And that's what I told everybody too, that's what I told, kept telling myself and my mom and everybody too. Like, we didn't cause them to park there that night, you know.
- Q. No.
- A. Levi. I do apologize about my 2 year old.
- Q. No, he's okay. He's okay.
- A. Levi Allen. Come here. He's bad about (UNINTELLIGIBLE).
- Q. No that's okay.
- A. Here.
- Q. I, I understand kids. He's...
- A. Sorry.
- Q. So, you were, you said you were by the white fence by the playground...
- A. Yeah.
- Q. ...now where is the playground in reference to (UNINTELLIGIBLE).
- A. It's right outside the front door of 2290 Avenue C.
- Q. Okay.

Dawn Miller 20-76444

- A. In between the two buildings.
- Q. Okay, so that, the playground is right out...
- A. Front.
- Q. ...to the, to the...
- A. Pretty much.
- Q. ...west of us. Okay.
- A. Yeah.
- Q. So you were standing over there and you could see the two vehicles that we're talking about?
- A. Yeah.
- Q. And you could see... Okay.
- A. I could see pretty much the whole area.
- Q. So once he got, once he got taken down to the ground, what did you see?
- A. I, we saw her, I saw her run up, and I came running back down cuz I wanted to see what was going on and I seen the cops and him scuffling around, I didn't really, it all went blurry from there cuz I just saw the gun flashes and that scared the crap outta me, like, I came back up too after that, like...
- Q. So when you say you see the gun flashes, are you actually...
- A. I seen him like, more, bet, more better yet to put it, like I saw him take a fast breath kind of way, like, I feel. Like...
- Q. So when you say, eh, eh...
- A. I'm sorry, I'm really bad at describing, myself.
- Q. No, so, I'm just gonna take, so, were you downstairs the entire time or you had come back up here?

Dawn Miller 20-76444

- A. I had come back, I was downstairs like off and on. You know, I'd come back up, like every, kinda couple minutes I'd come back up and then the cops told us to come back inside and we came back inside.
- Q. Okay, and then heard...
- A. No, I was out there, I was, when the whole thing went down, like...
- Q. Okay.
- A. ...I stood out there and I heard everything, but when the cops actually calmed down and got everybody, the crime scene...
- Q. Okay, so we're, we're, ahm...
- A. ...taped off...
- Q. ...I'm not talking about any of that yet, I'm just, I'm just talking about the events...
- A. Yeah, I...
- Q. ...when he got taken down to the ground and when (UNINTELLIGIBLE)...
- A. I, I saw him, I don't really, like, I saw, I don't, didn't see any guns or nothing like that, I didn't see any detail, cuz I'm kinda night blind too, so, I didn't see any detail, but I just saw the cops, like, him grabbing for something and then the cops going for their guns, like.
- Q. Where was he at when he was grabbing for something.
- A. He, he was on the ground, on his, he was facing his stomach, like he was kinda on his stomach, but on his, si-side kind of, like...
- Q. Okay.

- A. It's kind of all blurry.
- Q. So what your, is what you're describing him is he's, he's on his side...
- A. Like he would...
- Q. ...but he's...
- A. ...you know, he was resisting, he...
- Q. Okay.
- A. ...(UNINTELLIGIBLE) resisting (UNINTELLIGIBLE)....
- Q. So you saw him on the ground, he's on his side and you said you saw him reaching for something?
- A. Yeah. And like, I just...
- Q. Okay.
- A. They have been, I guess, some people have been threatening the witnesses around here, abo, over it and stuff like that, I just...
- Q. I've, I've heard that as well.
- A. I just don't wanna get me and my son hurt over this, like, I really don't. Like I know I was a witness on the...
- Q. Uh Huh (Affirmative)
- A. ...news and stuff, but I didn't know (UNINTELLIGIBLE) and I haven't seen, I haven't seen (UNINTELLIGIBLE)...
- Q. C'mon buddy.
- A. ...from it. Like I haven't seen anything from it, but.
- Q. No.
- A. I'm just speakin' what I saw and...
- Q. Okay, so you saw him on the ground and you saw him reaching and then you say you saw flashes...
- A. Yeah it just like...

Dawn Miller 20-76444

Q. ...now...

A. ...I can't really describe it, in my mind it was kinda like a black out kinda flash, I wanna say, cuz it all happened, happened so fast. I was tired. I was stressed, just, never seen that happen before and I was, adrenaline going and...

Q. Uh Huh (Affirmative), yeah.

A. So.

Q. No it's, it's, it's frightening if you're not expecting it...

A. Yeah, yeah.

Q. ...and it's frightening if you are expecting it.

A. Yeah, I was never co, never expecting that around here.

Q. Okay.

A. Ever. So.

Q. So after you saw the flashes, what happened?

A. I don't really remember honestly sir. It's been that long. Like...

Q. Okay.

A. I, as far as I remember, I, the cops started ta, pushing everybody back inside, telling everybody go inside and putting up the caution tape, as far as I remember sir.

Q. Okay. Now the guy that was, the, when you say that he was laying on his side, ahm, did it appear like his hands were free?

A. Kinda, yeah.

Q. Okay.

A. Like the cops were trying to hold him, you know.

Q. Uh Huh (Affirmative)

A. Like he wasn't resisting, he was trying to resist the cops you know.

Dawn Miller 20-76444

- Q. Okay. Did you ever see him with anything in his hands?
- A. No, I didn't.
- Q. Okay.
- A. I didn't. Honestly.
- Q. I don't, I've watched part of the interview that you did with the ne, with the news, ahm, and there was a point where you made a comment and you said that he fired first. Do you remember saying that?
- A. No.
- Q. Okay.
- A. Cuz, like honestly, it could've been, like, I thought he fired first. It was just so adrenaline rush and I was so tired, (UNINTELLIGIBLE) like I don't really remember the night period. Like I do remember it, but I don't.
- Q. Uh Huh (Affirmative)
- A. It was all just kinda like a blur.
- Q. Do you remember that, saying that in that interview at all?
- A. Kinda, not really.
- Q. Okay.
- A. Like...
- Q. Had you had much sleep before the media contacting you?
- A. No. Like I said that, that was an all night (UNINTELLIGIBLE) thing, like going on. And I kept telling the media guy too, no I don't wanna do it. I don't wanna do it and he kept pushing and pushing and pushing and I do admit, I'm kind of a pushover. Little bit.
- Q. Okay.

Dawn Miller 20-76444

A. But.

Q. So, just, just to be clear, you didn't see him with anything in your, in his hands and you did not see him fire?

A. No.

Q. Okay. Ahm, is there anything else that you did see leading up to the, when the shooting happened, that, we haven't talked about?

A. No.

Q. I just want to reiterate, would...

A. Like honestly, I was in my own little world when all that went down, like I noticed that there was some, like fishy things about the cars being there, that they shouldn't be there...

Q. Uh Huh (Affirmative)

A. ...I've never seen these people around before kinda thing, so I just kept...

Q. Uh Huh (Affirmative)

A. ...a low key eye on them, you know.

Q. And you had mentioned before and I don't know if it got on the recording or not, but you'd mentioned before that you heard the scuffle and heard him yelling at the officers? Did you hear him make any threats to them?

A. Ahm, I'm gonna fucking kill you or some'in like that.

Q. Okay.

A. Some'in like that, a form I do believe.

Q. Okay. Is there anything else that you remember that we haven't talked about?

A. Honestly no sir, I have told you everything I remember.

Q. Okay. Ah, did you feel like your life was in danger?

Dawn Miller 20-76444

A. No. No, not at all.

Q. Okay.

A. Like, as so, at one point before the cops had him under control, yeah, but, the whole time the Billings Police had him under control, like, I have no fear of my Billings Police Department, so.

Q. Okay.

A. Like, and I, yeah. Had no fear at all. Whatsoever. At first when this started happening, yeah, it was the adrenaline and the fear...

Q. Uh Huh (Affirmative)

A. ...but she, the neighbor over here, she was getting me going a little bit more cuz she was just bawling and...

Q. Uh Huh (Affirmative)

A. ...I'm not really good under pressure so I was kinda panicking myself, but...

Q. One more thing I wanna ask you....

A. ...I'm just glad my son wasn't here.

Q. No, no, I get that. One more thing I'll ask you, and again I don't know that this got on the recording, but you'd said before, ahm, that you heard them all yell, gun?

A. Yeah.

Q. Before the shooting happened?

A. Yeah. I didn't remember that, yeah, sh, I remember them...

Q. Okay.

A. ...saying gun, gun, gun.

Q. I just wanna reiterate.

A. Like I don't remember who was saying gun, but I, it was like ev, a crowd of people just saying gun, gun, gun.

Dawn Miller 20-76444

Q. No, I understand.

A. So I'm pretty sure that was all, all the officers that were there involved, so.

Q. Okay. Alright. I just wanted to reiterate that, ahm, if I have any further questions for you is it okay to contact you?

A. Yes sir.

Q. Okay. I think at this point I'll go ahead and conclude the interview. The time is 15:41.

A. And again, I apologize about my 2 year old. (LAUGHS) So...

(END OF TAPED INTERVIEW)

D.R. / ty