



Charles J. Simono

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TO: Paula Doxsteter

FROM: Charles J. Simono, District Attorney

CC: Ryan Wilson, CPD Officer
Dan Packard, Chief of Crandon Police
John Dennee, Sheriff

DATE: November 28, 2017

RE: Officer Involved Shooting on October 22, 2017.
District Attorney Determination

A handwritten signature in blue ink, which appears to read "Charles J. Simono", is written over the "FROM:" line of the letterhead.

On October 22, 2017 at approximately 10:30 p.m. City of Crandon Police Officer Ryan Wilson made a traffic stop in the City of Crandon whereby he discharged his weapon that resulted in the death of a Dexter Baxter. Upon completing my review of all witness statements, medical reports, audio and video recordings, and the entirety of the Wisconsin Division of Criminal Investigations (DCI) reports, I have determined that the actions of Officer Ryan Wilson were a reasonable use of force in an act of self-defense.

Under Wisconsin Law, all persons, including but not limited to police officers, are permitted to use deadly force in an act of self-defense if the person reasonably believes it is necessary to prevent death or great bodily harm to himself/herself or to others. If a person's action are privileged under the law of self-defense, then the person cannot be convicted of any crime.

On the night of October 22, 2017 Officer Ryan Wilson was in the process of investigating the report of a Robbery complaint in which it was reported that Dexter Baxter (hereinafter referred to as "decedent") took a television without consent. Officer Wilson, while investigating the Robbery complaint, determined that a person named "Dexter" was involved and also the type of vehicle used. Officer Ryan Wilson further learned that the television was apparently taken as collateral for an unpaid debt stemming from a prior drug sale. Officer Ryan Wilson pursued the investigation and traveled to several homes and locations while also actively looking for a vehicle that matched the description given in the Robbery complaint. Officer Ryan Wilson, through his investigation, confirmed that there were two occupants in the suspect vehicle and that one was named "Dexter". Officer Ryan Wilson, while patrolling the City of Crandon, did locate the suspect vehicle and ultimately performed a traffic stop on Wildwood Avenue in the City of Crandon. The vehicle contained two occupants with the decedent being in the passenger seat and the operator being a female.

During the traffic stop, Officer Wilson made a passenger side approach at which time he recognized the female from past contacts. The decedent provided a false name to Officer Wilson. Officer Wilson had the driver shut off the vehicle and pass the vehicle keys to the decedent. Officer Wilson directed the decedent to hand the keys out the window to him. The decedent, with keys in hand, threw them out the window and approximately twenty feet from the vehicle while mumbling something about the keys. Officer Wilson ordered the decedent out of the vehicle at which time the passenger door opened and Officer Wilson prepared his handcuffs to secure the decedent. Officer Wilson, standing in the open passenger door, directed the decedent to stay in his seat and to not resist. Officer Wilson reached down to handcuff the decedent when the decedent says "I'm not" in response to not resisting and jumped out of the vehicle and immediately grabbed Officer Wilson's head and neck.

Officer Wilson, while attempting to control the decedent, commanded him to stop resisting. The decedent then placed Officer Wilson into a choke-hold. According to Officer Wilson, he attempted to reach for both his Taser and his OC spray during the attack by the decedent but was unable to reach and/or deploy them. According to Officer Wilson, as he represented to EMS workers, DCI investigators and alike, is that he started to black out at some point due to being choked by the decedent.

Officer Wilson, as is evidence by his squad camera, continued to battle the decedent from the passenger door to the rear of the vehicle with the parties going to the ground. A careful viewing of the squad video shows the decedent reaching over Officer Wilson's back with his right arm in an effort to grab his firearm. Officer Wilson reports that while being choked and on the ground, the decedent was gouging Officer Wilson's eyes.

(According to EMS witnesses after the shooting, they described having observed red marks on Officer Wilson's neck and ears. EMS further described Officer Wilson's face as bloodied and indicated his eyes had been gouged, thus his vision was impaired. EMS also observed Officer Wilson had mud on his uniform pants and described the smell of wet mud. EMS indicated Officer Wilson told them that he started to "black out.")

While both Officer Wilson and the Decedent are on the ground (once again based on Officer Wilson's squad video) the decedent can be observed reaching, with his left hand, for Officer Wilson's firearm while having his legs wrapped around the officers midsection and an arm around his head or neck. The eye gouging at this point, as Officer Wilson's described, was that the decedent's fingers were "knuckles deep" into his eye sockets. The decedent is heard telling the officer that he will rip Officer Wilson's [expletive] eye out. The decedent regains his feet while Officer Wilson is still on the ground and reengages his attack on Officer Wilson. Officer Wilson, based on his interview with DCI and injury reporting to EMS was that his vision was limited. The decedent, based on the squad video, appears to be attempting yet another choke-hold on Officer Wilson when he is advised to stop or he will be shot. The decedent did not stop and was shot three times. The decedent, being injured at this point, fell to the ground. Officer Wilson immediately used his radio to advise that shots were fired and that EMS was needed.

Officer Wilson, upon being questioned about the shooting, indicated that he discharged his weapon two or three times. The squad video confirms that Officer Wilson discharged his weapon three times all during the course of being attacked by the decedent. The decedent was immediately attended to by a Forest County Deputy that arrived on scene, was taken to the hospital by ambulance whereby he was later pronounced dead as a result of one wound to his mid-section.

The Forest County District Attorney concludes that Officer Ryan Wilson was reasonable in his belief that he was in imminent danger of death or great bodily harm due to the suspect's actions of immediately combating, choking, and gouging of his eyes but also due to the decedent's attempts to reach the officer's weapon and refusing to comply with all police commands. It is a further conclusion that Officer Ryan Wilson was reasonable to believe that decedent had the intent and the means to inflict death or great bodily harm to Officer Wilson, and that his use of deadly force under the circumstances was reasonable and therefore privileged under Wisconsin law.

Please note that there has been a great deal of discussion regarding the decedent and his past criminal history. Intelligent discussion into the actions of Officer Wilson and the decedent cannot involve any past criminal record of the decedent as it is not relevant for reaching a final determination. The past criminal history was not known to law enforcement at the time of the traffic stop and did not go into Officer Wilson's mental considerations when determining his actions on October 22, 2017 as such they were not considered or factored into my determination.

Other factors, not for consideration in my findings enclosed herein, that may allow for some to better understand what might have allowed for the decedent to act in the manner in which he did on October 22, may be found in his toxicology which shows that he had a blood alcohol level of .108; tested positive for cocaine ; tested positive for Delta-9 which is the active ingredient in marijuana; and tested positive for amphetamines and methamphetamines.