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OSHKOSH, Wis. – On the afternoon of Wednesday, May 23, 2018, the Wisconsin Department of Justice (DOJ) Division of Criminal Investigation (DCI) responded to a critical incident in the Village of Fox Crossing, Wisconsin at the request of Fox Crossing Police Chief Tim Seaver.

Through the investigation, a timeline of events leading up to, and during, the critical incident was determined. At approximately 2:48 pm, 911 dispatch received a call from a person identified as J.B. J.B. indicated that there was a really odd guy in the middle of the street and it looked like he was throwing a fit. J.B. indicated that the male had kicked someone's mailbox over and he had been throwing things. J.B. also indicated that the male was running toward cars. J.B. described the male as wearing a baseball hat, bright blue shorts, a t-shirt and earphones. J.B. stated that this happened on W. Butte de Morts Beach Road in the Village of Fox Crossing. Based off of the clothing description, this man was identified as Mr. Joshua M. Gomoll.

At approximately 2:56 pm, 911 dispatch received a call from a person identified as C.G. C.G. stated that there was a man running down the street towards Lake Street in the Village of Fox Crossing. C.G. stated that the man had a pretty big knife and he was threatening everyone in the area. C.G. stated that the man had tapped on the window of a car driven by a woman, and she had a toddler in the back seat. C.G. stated that she took off scared. C.G. stated that the man threatened him as well. C.G. described the man as wearing a baseball hat and blue shorts. Based off of the clothing description, this man was identified as Mr. Gomoll.

One of the individuals that Mr. Gomoll threatened was identified as R.B. R.B. stated that he was working on the jobsite near Highway 10 and Butte de Morts Beach Road when around 3:00 pm he saw a male jogging near the construction site. R.B. stated that the male was wearing blue shorts. R.B. stated that he was operating a forklift at the time and he observed the male run up to a construction cone and kick it over. R.B. stated that he asked the male why he kicked the cone over and the male then turned towards him brandishing a knife in his right hand. R.B. stated that the male then said "you think it's a [expletive] game, I'm going to [expletive] kill you." R.B. stated that the male then turned and stopped a car in the road that was operated by an elderly woman. R.B. stated that there was a toddler in the car also. R.B. stated that the male walked up to the driver's side of the vehicle and tapped the knife on the

window directly above where the toddler was positioned behind the driver's seat. Based off of the description, this male was identified as Mr. Gomoll.

E.G. was an individual driving on North Lake Street by Fritse Park around the time of the incident. E.G. stated that at approximately 3:00 pm she was driving her vehicle when a man wearing a blue t-shirt, sunglasses and shorts, entered the roadway. E.G. stated that the male was acting quite erratic and he hit her car near the rear passenger side door and quarter panel. E.G. stated that after the male hit her car he continued walking towards the park. E.G. stated that she later discovered that her vehicle was scratched in the area where the male hit her car. Based off the clothing description and the location, this male was identified as Mr. Gomoll.

At approximately 3:02 pm, 911 dispatch received a call from a person identified as J.S. J.S. stated that he and his friend were at Fritse Park walking back to their car when they saw a guy jogging and talking to himself. J.S. stated that the guy looked at them and they waived. J.S. stated that the guy said "what are you looking at" and he pulled a knife. J.S. stated that the guy then said something like "I'm going to get you [expletive.]" J.S. stated that the guy started running at them. J.S. stated that he and his friend ran. J.S. stated that this happened about three minutes prior to J.S. calling 911. Based off of the description and location, this individual was identified as Mr. Gomoll.

Fox Crossing Police Department Officer Seely C. Moe responded to the incident. Officer Moe has been employed in law enforcement for 20 years, 15 of which have been at the Fox Crossing Police Department. Officer Moe was wearing a body camera at the time of the critical incident and it was activated. Officer Moe's body camera demonstrated that as he ran up the embankment from the parking lot, towards the Trestle Trail Bridge, he yelled "Get away from him," "Police," "Get down on the ground." On the camera, Mr. Gomoll was heard making sounds consistent with shrills or screams. Officer Moe next said "540 he's running out on the bridge. I got people running from him. He's got a knife right now." On the camera, Mr. Gomoll is again heard making yelling noises, noises such as "woo hoo." On the camera, Mr. Gomoll is then observed on the bridge and Officer Moe approached the bridge. Mr. Gomoll then walked to the north side railing of the bridge and slashed an object against and across a post as he stepped away from the railing.

On the body camera, Officer Moe is now observed on the bridge. Mr. Gomoll was near the center (center width wise) of the bridge, and he had his right hand extended outward pointed at Officer Moe. Mr. Gomoll was holding the knife. Officer Moe had his duty rifle raised, and he was pointing it at Mr. Gomoll. Simultaneously, Officer Moe was yelling "Get down on the ground" and "You guys get." The "You guys get" command referenced the fact that other civilians were present on the bridge. Immediately after Officer Moe yelled "Get down on the ground," Mr. Gomoll can be heard on the camera saying "nope." Officer Moe again yelled "Get down on the ground." Mr. Gomoll again can be heard on the camera. This time Mr. Gomoll responded "Come on. Do it."

Officer Moe again commanded Mr. Gomoll to "Get down on the ground." Officer Moe also yelled "I will shoot you." At this point, Mr. Gomoll took about five steps towards Officer Moe. As Mr. Gomoll walked towards Officer Moe, Mr. Gomoll was observed with his right hand extended, and the knife was pointed at Officer Moe. Officer Moe then fired three shots, and Mr. Gomoll fell forward and onto his knees. Mr. Gomoll then fell face down onto the bridge. At the time shots were fired, Mr. Gomoll was

approximately 18 feet away from Officer Moe. On the camera, Mr. Gomoll is then observed attempting to get up from the bridge. Officer Moe then again yelled "Get down on the ground." Officer Moe then fired one more shot as he again yelled "Get down on the ground." At the time of the shot, Mr. Gomoll was raised onto his hands and knees. After the fourth shot, Mr. Gomoll immediately fell onto his back with his arms slightly outstretched and he stated "I'm dead." Mr. Gomoll then grabbed a railing on the bridge and flipped over onto his stomach. Officer Moe then called out on the radio "540 shots fired. Shots fired on the bridge."

Officer Scott Farrell of the Fox Crossing Police Department was also present when shots were fired. From a review of Officer Farrell's body camera, it was observed that as Officer Farrell reached the threshold of the bridge, Officer Moe was already on the right hand side of the bridge. Mr. Gomoll was on the bridge directly in front of and facing Officer Moe. Officer Farrell then stood on Officer Moe's left. Officer Farrell's body camera picked up Officer Moe yelling "Get down on the ground. I will shoot you." Officer Farrell then raised his Taser and pointed it at Mr. Gomoll. On Officer Farrell's body camera, Mr. Gomoll was observed taking several steps directly towards Officer Moe, and then Officer Moe fired the three shots. According to a statement given by Officer Farrell, he drew his Taser while he was running up the embankment towards the bridge because he knew that Officer Moe had lethal cover on Mr. Gomoll. Officer Farrell stated that he saw Mr. Gomoll with the knife in his hand, and the knife was pointed forward. Officer Farrell stated that everything happened within seconds and he had not acquired a sight picture on Mr. Gomoll with his Taser when Mr. Gomoll stepped towards Officer Moe.

After the shots were fired, Mr. Gomoll was still perceived as a threat to law enforcement on scene, as he still possessed the knife and was making movements despite commands for him to drop the knife. As a result, Officers, including Officer Farrell, Officer Christopher LaSage, Officer Scott Boehlen, and Officer John Swenson, formulated a plan to safely make contact with Mr. Gomoll in order to render aid. This plan involved using an electronic control device on Mr. Gomoll to stop the perceived active threat. Once that was deployed, Officers made contact with Mr. Gomoll and began rendering aid. It is at that point that the knife was swept away. First Responders and Paramedics arrived and rendered aid as well. Eventually, Mr. Gomoll was pronounced deceased on scene. Officer Moe was placed on paid administrative leave, per the department's policy.

After the Division of Criminal Investigation completed the investigation, the Winnebago County District Attorney's Office received the entire comprehensive investigative file from the Division of Criminal Investigation. After a careful and thorough review of all the evidence involved, the Winnebago County District Attorney's Office determined that the use of deadly force by Officer Moe was justified, and there will be no criminal charges filed in the matter.

The events of May 23, 2018 were a tragedy for everyone involved, including the Gomoll family, the officers and the community. The Winnebago County District Attorney's Office offers sincere condolences to the Gomoll Family for their loss.

For additional inquiries or material, please contact the Department of Justice at www.doj.state.wi.us/dci/officer-involved-critical-incident