

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

UNITED STATES OF AMERICA

v.

WHITTIER P. IVES,

Case No. 22-CR-130

Defendant.

STIPULATED FACTS

The United States of America, by Gregory Haanstad, United States Attorney for the Eastern District of Wisconsin, by Daniel R. Humble, Assistant United States Attorney, and the defendant, Whittier P. Ives, with his attorney Tom Phillip, hereby stipulate and agree that the following facts can be proven beyond a reasonable doubt:

1. On June 4, 2022, the Omro Police Department and the FBI received a tip from a concerned citizen that Whittier P. Ives was on his way to commit a mass shooting at a bar in Appleton. The tipster was an acquaintance of Ives who had allowed Ives to store items at the tipster's residence. Earlier in the day, Ives had come to gather his belongings but was told that the tipster was busy and he should come back later. Ives returned and proceeded to remove his items. The tipster saw that one of the boxes contained ammunition and saw Ives load a green duffel bag which appeared to contain a long rifle into his vehicle. The tipster knew that Ives was a felon who was prohibited from owning a firearm. Ives showed the tipster a photo of a man he identified as a "Russian" and then stated that he was going to kill the man and a bunch of other people

at a bar in Appleton. Ives stated that he “had nothing to live for, he fucked up too much, and he will be the next mass shooter.”

2. An Omro officer on patrol observed Ives vehicle headed towards Appleton. He initiated a traffic stop. He could smell the strong odor of alcohol. Ives failed field sobriety tests and was arrested for OWI. Officers observed “Twisted Tea” alcoholic beverages in the center console and observed a shoe box and green duffle bag in the back seat. The shoe box contained boxes of ammunition as well as loose ammo. Inside the green duffle bag was an AR-15 style rifle. Officers also found a gas mask, several knives, two 100 round capacity magazines, a laser sight, and several smaller capacity magazines.

3. The firearm was later determined to be a Shield Arms multicaliber SA-15 rifle which was manufactured in Tacoma, Washington.

4. Ives is a felon based on a 2008 conviction in Santa Rosa, California for possession of a firearm by a felon and knowingly manufacturing a blowgun.

5. On April 21, 2022, Winnebago County Judge Daniel Bissett issued an order of commitment for Whittier P. Ives and specifically prohibited him from possessing firearms.

4. The subject is prohibited from possessing any firearm. Federal law provides penalties for, and you may be prohibited from, possessing, transporting, shipping, receiving, or purchasing a firearm, including, but not limited to, a rifle, shotgun, pistol, revolver, or ammunition, pursuant to 18 USC 921(a)(3) and (4), and 922(g)(4). This prohibition shall remain in effect until lifted by the court. Expiration of the mental commitment proceeding does not terminate this restriction.

6. The locations described above are all within the State and Eastern District of Wisconsin.

The parties further stipulate and agree that the testimony of Denver Johnson, Ph.D., as set forth below, would establish that the defendant is not guilty only by reason of insanity as to the indictment pending against him. Specifically, Dr. Johnson would testify that the defendant was manic and mentally unstable at the time of his arrest. Further, it is Dr. Johnson's opinion that at the time of the acts constituting the offense, as a result of a severe mental disease or defect (Bipolar I disorder, predominantly manic), the defendant lacked substantial capacity to appreciate the nature and quality or the wrongfulness of his conduct. See Docket No. 15, sealed psychiatric report.

Respectfully submitted,



DANIEL R. HUMBLE
Assistant United States Attorney

11/2/2022

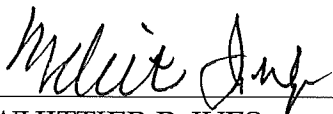
Date



TOM PHILLIP
Attorney for the Defendant

11/2/2022

Date



WHITTIER P. IVES
Defendant

11/2/22

Date

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