



MSP Emergency Support Team OIS

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at the EST. Following the single gunshot six members of the Emergency Support Team fire their rifles for several seconds until a cease fire is called.

Eric Fiddler was dead on the scene from a significant wound to the left side of his head with his Ruger 9 mm handgun still clasped in his right hand. The MSP Northville Lab processed the scene and located one cartridge case which was confirmed to have been fired from Fiddler's Ruger located about three feet from his body.

All EST members were carrying .223 caliber Sig Sauer rifles and round counts were conducted on the six EST members who discharged their weapons by the MSP's Special Investigation Section. The MSP Northville Lab tested all the fired weapons but were unable to determine which weapon or weapons fired either of the two bullets that were removed from Eric Fiddler's body during the autopsy.

The Michigan State Police Special Investigation Section 5<sup>th</sup> District investigated and submitted the results of that investigation to the Michigan Department of Attorney General. Additional investigation was then requested by the assigned Assistant Attorney General. After review of all the evidence submitted no charges are appropriate because the State would not be able to prove that the Troopers' use of deadly force was not justified under the law in that the State would not be able to prove the officers were not firing in self-defense or in defense of their fellow officers.

## **II. Recommendation:**

No charges can be issued against any members of the Michigan State Police Emergency Support Team from this incident.

**III. Venue** City of Hillsdale, Hillsdale County, Michigan.

## **IV. Facts**

On June 27, 2024 Hillsdale County Sheriff's Deputy William Butler (Deputy Butler) conducted a traffic stop off Beecher Road in Jonesville, Michigan. Deputy Butler was shot and killed by the vehicle's passenger Eric Michael Fiddler (Fiddler) at 2:45 pm. Fiddler then fled on foot. Fiddler was known to the Hillsdale County Sheriff's Department and a physical description was sent out. The MSP Emergency Support Team (EST) was dispatched to track the armed suspect who had just shot and killed Deputy Butler.

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The Emergency Support Team consisted of six members Trooper Thomas Kill (Tpr. Kill), Tpr. Benjamin Breslin (Tpr. Breslin), Tpr. Drew Spenser (Tpr. Spenser), Tpr. Thomas Pinkerton (Tpr. Pinkerton), Sgt. Anthony Ramirez (Sgt. Ramirez), and Sgt. Andrew Pinkerton (Sgt. Pinkerton). There were two K9 officers assigned to assist the EST Tpr. Jereme Miller (Tpr. Miller) who had his tracking dog Obi, and Tpr. Benjamin Sonstrom (Tpr. Sonstrom) who brought his Tactical Entry Dog (T.E.D.). Tpr. Sonstrom was also the team's medic. Assisting in the track of Eric Fiddler with the EST was Sgt. Shaun Garvey (Sgt. Garvey) from Region of Irish Hills Narcotics Office (RHINO), and Tpr. Eric Gantert (Tpr. Gantert) also from RHINO.<sup>1</sup>

All members of the Emergency Response Team and the tracking team were wearing gear that identified themselves as Michigan State Police officers across their chests<sup>2</sup>, eight of the ten wore patches on each shoulder sleeves identifying themselves as Michigan State Police and every member of the tracking team that was caught on Tpr. Sonstrom's Body Worn Camera (BWC) from the back wore gear identifying themselves as "State Police" or "State Trooper" on their backs as well.

After a citizen called 911 at 3:33 pm (1533 hours) and reported seeing Fiddler on Osseo Road and North Street, the Emergency Support Team was directed to that location. MSP troopers from the Jackson Post, the Hillsdale County Sheriff's Office, and other agencies began to set up a perimeter on Osseo Road and Culbert. At 3:49 pm (1549 hours) Sgt. Kyle Sherwood from the Jackson Post observed Eric Fiddler in the tree line east of Osseo Road and south of Culbert Road. Fiddler saw the officers and ran back into the wooded, forest area headed southbound. By 5:41 pm (1741 hours) the perimeter was set on Osseo Road, Culbert Road, Tripp Road, and Beecher Road. Aside from the Hillsdale County Sheriff's Office and the MSP Jackson Post, the agencies involved in the perimeter were MSP RHINO (Region of Irish Hills Narcotics Office), MSP JNET (Jackson Narcotics Enforcement Team), MSP LAWNET (Livingston and Washtenaw Narcotics Enforcement Team), MSP Fugitive Team, the Lenawee County Sheriff's Office, and the Jackson County Sheriff's Office.

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<sup>1</sup> Earlier in the track Tpr. Jacob Escott, a K9 officer was involved in the search with the EST but his canine Hux became tired and overheated, and they were both substituted out before the EST located the shed or the discharging of any weapons occurred, so he is not part of the evaluation but only noted as an early participant.

<sup>2</sup> Immediately following the shooting all ten members of the Emergency Response Team or who were assisting the EST with the track were photographed at the scene wearing the exact gear that they wore during the track and when the shooting occurred. All photographs were taken from the front, so their shoulder patches were visible, but no photographs were taken of their backs.

These sightings of Eric Fiddler brought the EST to an extremely dense forested area near ██████ Osseo Road, Hillsdale. As they were trying to track the suspect through the forest the K9 Obi started pulling or indicating on an old shed. The EST tracking team then spread out at the shed and the surrounding area and Tpr. Thomas Kill yelled out,

“Hey! This is State Police! Come Out with your hands up now!” “Hey! This is State Police! Come out with your hands up!” “Hey! Come out with your hands up! You will not be harmed!” (Tpr. Sonstrom’s BWC 17:59:58-18:00:22). (VLC media clip is “3 warnings given at shed by Tpr. Kill.mp4”)



The shed K9  
Obi  
indicated on  
captured by  
Tpr.  
Sontrom’s  
BWC.

After Tpr. Kill yells out these commands three separate times there is no response from Fiddler. Two members of the EST proceed to clear the shed with the remaining members of the EST and tracking party watching the perimeter, surrounding area and listening. An unknown trooper announces “Clear.” A second trooper asks, “You found it?”, and the reply given is “This is right where he lay.” (Tpr. Sonstrom’s BWC 18:03:33-18:03:58).

Watching his BWC, it is clear that Tpr. Sonstrom and the rest of the EST have begun to move away from the shed, with Tpr. Sonstrom at the rear of the tracking team when at 18:04:37 Sgt. Anthony Ramirez yells “Show me your hands!” at least once and within a second the response to “Show me your hands!” is the firing of a single gunshot. After that gunshot six members of the Emergency Support Team fire their rifles for several seconds until a “Cease Fire” is called. Cease fire! is yelled several times in rapid succession. The warning(s) yelled by Sgt. Ramirez, gunfire and the yelling of “cease fire” can be heard on Tpr. Sonstrom’s BWC (VLC media clip “Show me your hands! And then shot, shots.mp4”). The order of the gunshots is best heard on Tpr.

Sonstrom's dashcam audio (VLC media clip is "Sonstrom dash-cam audio shed clear thru shots.mp4"). The dashcam audio provided is from the entire time the car is parked; the VLC clip is only 1 minute, 25 seconds and the pistol shot is picked up at 00:50 and the rifle fire is returned at 00:51. Since it is not BWC video the exact time is not embedded in the video itself.

In listening to the BWC recording of Tpr. Sonstrom, it sounds as though a second command of "Show me your hands!" is also yelled, that as Sgt. Ramirez is in the middle of issuing his command a second time the pistol shot is fired, but it is difficult to hear exactly what else is said. The difficulty in hearing everything that was said by listening to Tpr. Sonstrom's BWC is caused by several factors; 1. Since Tpr. Sonstrom is in the rear of the track he is some distance from Sgt. Ramirez when Sgt. Ramirez yells the command(s) upon spying Fiddler, this means the microphone on Tpr. Sonstrom's BWC is that much farther from Sgt. Ramirez when he yells his command(s) making it harder to catch exactly what he is saying, and Sgt. Ramirez is facing the opposite direction from Tpr. Sonstrom when he issues the command(s). 2. As Tpr. Sonstrom is treading across the foliage he is walking, stepping on branches, plants, shrubs, limbs, and grasses he is crunching across the foliage and it makes noises, those noises he is making in turn makes it harder to pick up noises farther away from his person, especially as Tpr. Sonstrom starts running as soon as Sgt. Ramirez yells out "Show me your hands!" the first time. 3. There is always a helicopter flying overhead during the entire track and the blade noise can interfere with the sounds the BWC audio is able to pick up. 4. One second after the BWC picks up Sgt. Ramirez yelling "Show me your hands!" a single gunshot is fired, followed by multiple shotgun blasts making it hard for the brain to process what it just heard.

The situation of tracking an individual the EST knows just shot and killed a fellow law enforcement officer is very tense and people, even highly trained professionals see, hear and remember events differently. Both RHINO officers Sgt. Garvey and Tpr. Gantert filed reports and both officers wrote that they heard Sgt. Ramirez give loud verbal commands of "State Police, show me your hands!". Tpr. Jereme Miller<sup>3</sup>, a K9 officer filed a report, and he wrote Sgt. Ramirez yelled to Fiddler, "I see you, let me see your hands!". Tpr. Benjamin Sonstrom, the other K9 officer and the only one who had his BWC running during the incident wrote in his report, "I heard ES Team

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<sup>3</sup> Tpr. Miller did not turn on his BWC until the shooting had started. His BWC remained on until he and his K9 Obi exited the forest. His entire BWC video is 3 minutes 7 seconds in length.

members<sup>4</sup> loudly commanding someone to “show me your hands.” Sgt. Anthony Ramirez, the trooper who shouted the commands provided a written statement through his attorney<sup>5</sup> where he stated that “I ordered the subject to show me his hands twice before I heard a single gunshot.” Tpr. Kill provided a written statement through his attorney where he indicated that Sgt. Ramirez “shouted “Show me your hands!””. Tpr. Breslin provided a written statement through his attorney where he indicated that Sgt. Ramirez “made a loud announcement of something to the effect of “Show me your hands.””. Tpr. Spenser provided a written statement through his attorney where he stated that Sgt. Ramirez made a loud announcement “Show me your hands”. Sgt. Pinkerton provided a written statement through his attorney where he stated he heard “Sgt. Ramirez make loud verbal commands to “show me your hands””. Regardless of how each trooper recalls exactly how Sgt. Ramirez issues the command or the commands of “Show me your hands!”, the BWC audio is clear, Sgt. Ramirez issues the command of “Show me your hands!” at least once, and there is something else spoken that sounds like “Show me your” and then response to Sgt. Ramirez’s command(s) of “Show me your Hands!” is a single gunshot sent after the full warning in response.

Due to the dense forest and brush the members of the tracking team could not always see each other even if they were only a few meters away. Watching Tpr. Sonstrom’s BWC video was illuminating as it demonstrated what the other members were also having to endure as he was constantly having to reroute and climb over logs and trees, pushing limbs and shrubs out of their way during their track.

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<sup>4</sup> From Tpr. Sonstrom’s BWC video it does not appear that he was in a position to see who yelled “Show me your hands!” as he was in the rear of the track and the foliage was too dense to see most of the tracking party. Upon hearing “Show me your hands!” he started running towards whomever yelled that, trying to catch up to that officer or officers.

<sup>5</sup> None of the six troopers who discharged their weapons filed reports regarding this incident. Five troopers submitted written statements through their attorney regarding this incident as referenced above: Tpr. Thomas Pinkerton did not provide a written statement.

Tpr. Miller's arm scratched up and bloody from the foliage.

Tpr. Sonstrom about to climb over a log.



Sgt. Garvey wrote in his report that he heard Sgt. Ramirez give the commands and moved towards his direction and then heard a loud gunshot coming from a cluster of tree branches near a concrete foundation, then other members of the EST returned fire. Tpr. Gantert wrote that he heard Sgt. Ramirez give the commands and began to move in the direction he was facing when he heard a gunshot coming from that direction Sgt. Ramirez was facing. Then he observed members of EST return fire before they called a “Cease Fire” and he then observed Eric Fiddler’s body with a pistol in his hand. Tpr. Benjamin Sonstrom, the other K9 officer, in his report stated after EST members loudly commanding someone to “show me your hands” he heard a single pistol shot fired, and then “[m]ultiple ES Team members returned fire as I worked to get online and support the team. As I got online, an ES Team member called a “cease fire.” ... I moved my position to get a better visual of the subject as the area I was in was very thick with shrubs, tree’s, ground debris, ect.”. <sup>6</sup>

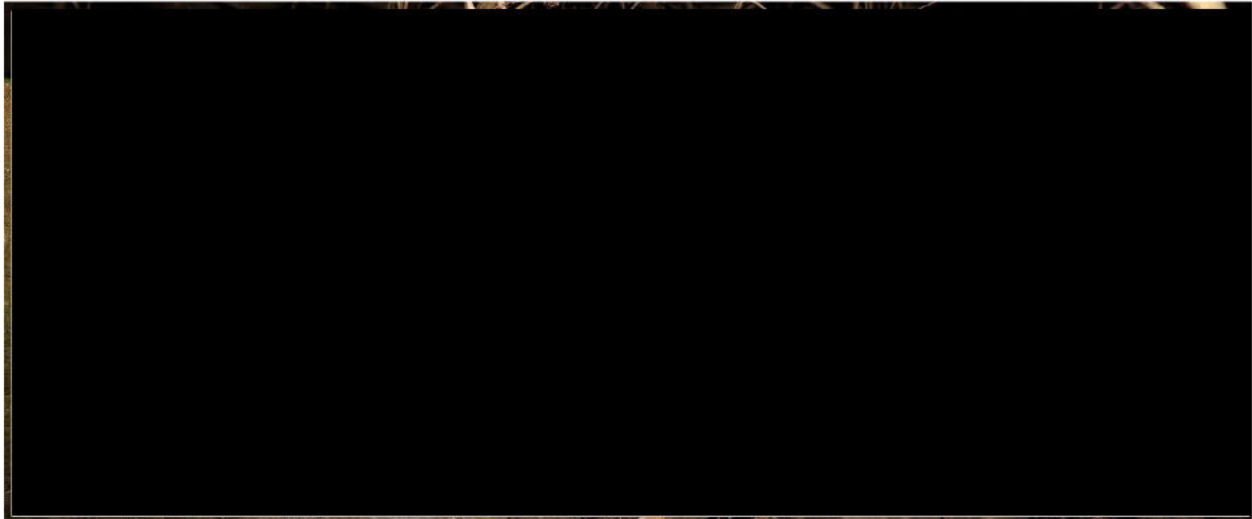
Sgt. Anthony Ramirez’s statement indicates how he located Fiddler and how he responded,

*Using my weapon mounted light, I illuminated the area and observed a white male wearing a dark shirt lying down. I ordered the subject to show me his hands twice before I heard a single gunshot. At that time, in fear for my life and the others with me, I fired my weapon at the suspect.*

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<sup>6</sup> Tpr. Sonstrom’s statements in his report of working to get online, trying to catch up to the rest of the ES Team to support them when the firing starts is in agreement with this writer’s theory that Tpr. Sonstrom was at the back of the tracking team when Sgt. Ramirez issues his command(s) “Show me your hands!”. The visual clips from Sonstrom’s BWC supports this theory as well.

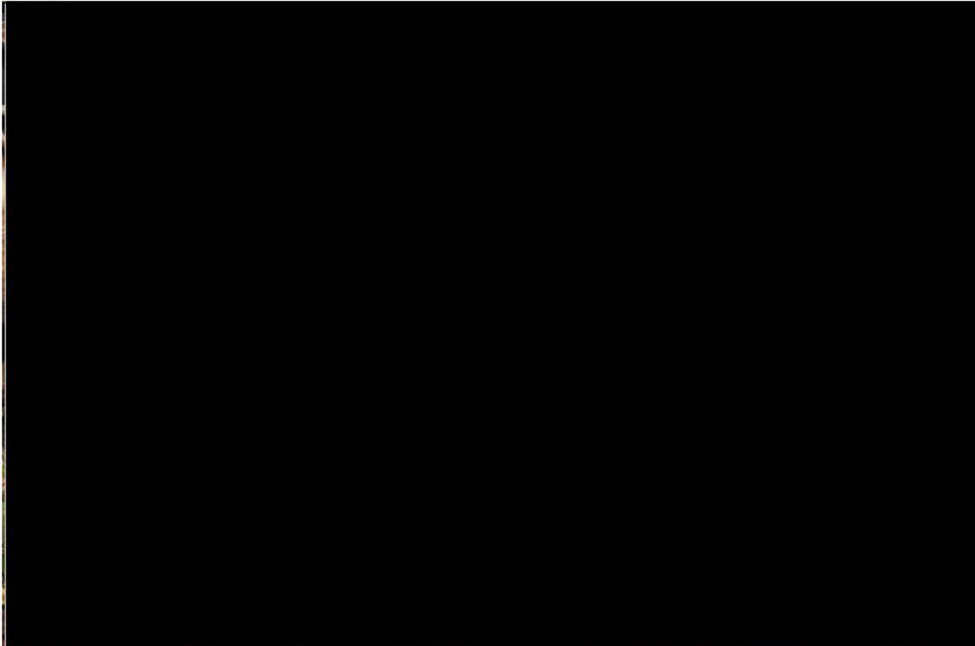
Troopers Breslin and Spenser were close and appear to have been in eye view of Sgt. Ramirez as they both indicate in their statements that they saw Fiddler lying in a prone position, partially behind the cinderblock foundation.



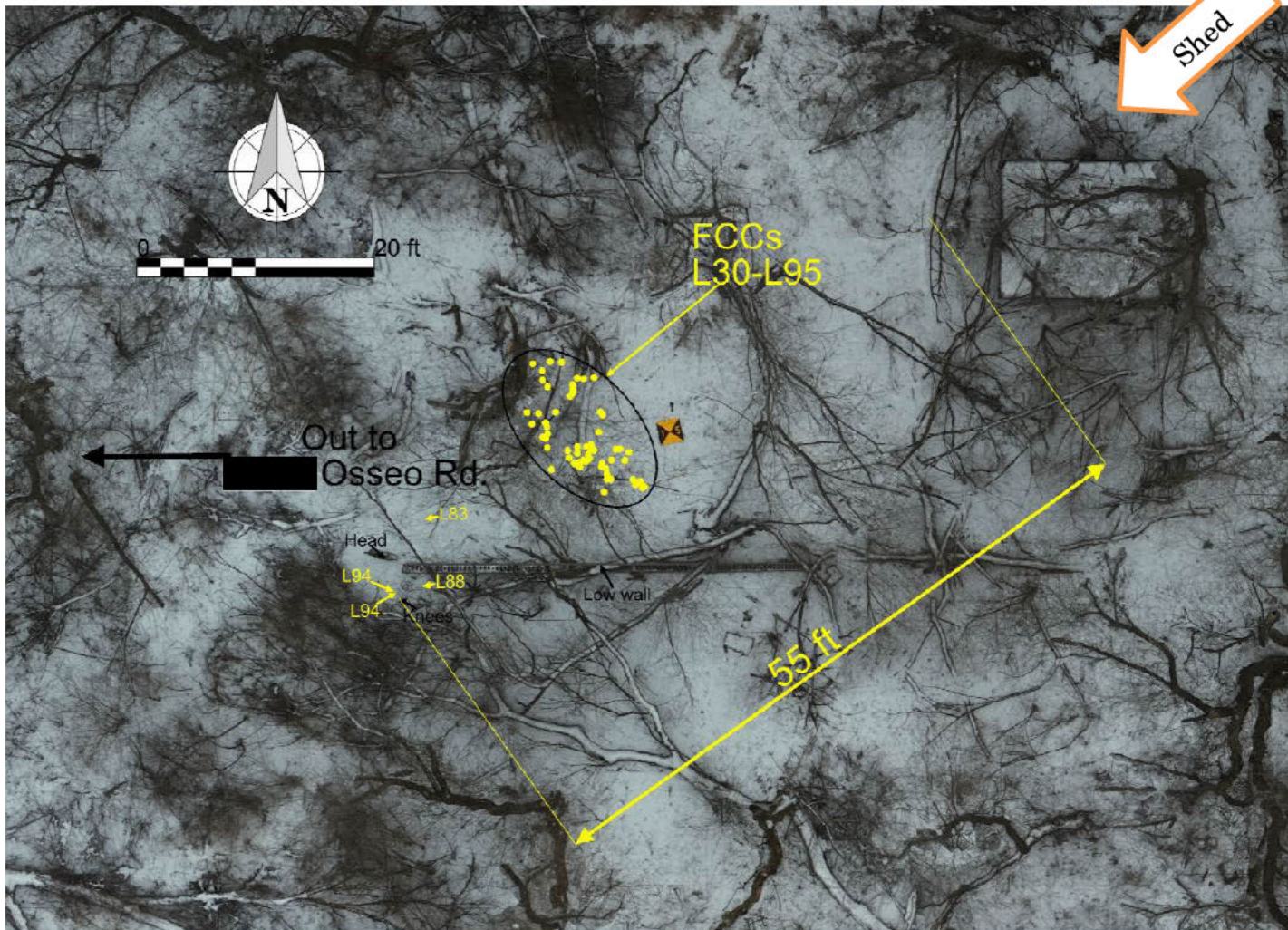
Tpr. Spenser's statement seems to indicate that he saw Fiddler fire the shot at the officers, that when Sgt. Ramirez got a visual of the suspect and then made the loud announcement "Show me your hands!" *"I was standing approximately 3-5 feet away from Sgt. Ramirez and looked in the direction Sgt. Ramirez identified the suspect. As I did so, I observed the suspect laying down behind a cement wall and the suspect quickly fired a gunshot at us from his location."*

After reviewing all the submitted evidence and the BWC this AAG requested that measurements be taken between the shed and the wall Fiddler was hiding behind. MSP Aviation sent a drone to take visuals, and the data was sent to the 1<sup>st</sup> District Accident Reconstruction Expert Spl/Sgt. Gregory Kamp. Sgt. Kamp produced the measurements, added the graphics and evidence items onto the photograph based upon the measurements of all the evidence items he measured from this scene on June 27, 2024. This photograph shows that the distance between the shed where Tpr. Kill issued the three commands is 55 feet from the wall Fiddler was hiding behind. FCCs (fired cartridge casings) indicates where the casing landed, meaning the EST members were standing directly behind or to the northeast of the FCCs in a line similar to the drawing firing southwest. Sgt. Kamp marked the location of Fiddler's head along with several pieces of evidence that were recovered. L88 was the spent casing fired from Fiddler's gun that was located less than 3 feet from his body. (See photo on p 12). L94 was a lead fragment fired evidence recovered 1-2 inches from Fiddler's body.





L94 was describes as a lead fragment fired evidence received near Fiddler's body by the MSP Northville Lab. The photograph demonstrates how close the fragment was for the purposes of the diagram.



Nine members of the tracking team filed reports or submitted a written statements and they all wrote that they heard a single gunshot after the command(s) of “Show me your hands!” was given to Fiddler. Tpr. Breslin wrote that he heard what he believed was a second gunshot coming from the suspect’s location and Tpr. Kill stated that he heard a clear pistol shot, followed by rifle fire, and possibly another pistol shot. After Fiddler fires his pistol in the direction of the Emergency Response Team, all six members of the EST returned fire.

While K9 officer Tpr. Miller did not activate his BWC until after the shots had started, he kept his BWC on until he was exiting the forest<sup>7</sup> where other officers were stationed on the road as part of the perimeter. As he is approaching the edge of the forest an unknown officer asks Tpr. Miller a question and Tpr. Miller responds, “Everybody’s good. He’s down...Every body’s good. He got a round off.” (BWC of Tpr. Miller at 18:07:37-18:07:44). (The VLC file title is “JeremeMiller\_202406271804\_BWC2045035-0.mp4”).

Eric Fiddler was found lying behind a short cement foundation wall that was crumbling. He was dead on the scene from a significant gunshot wound to the left side of his head. The EST called for medical support but did not attempt life saving measures as Fiddler was clearly dead.



Several forensic scientists from the MSP Northville Lab arrived at the location and were walked to the scene by the Officer in Charge D/F/Lt Charles Christensen and

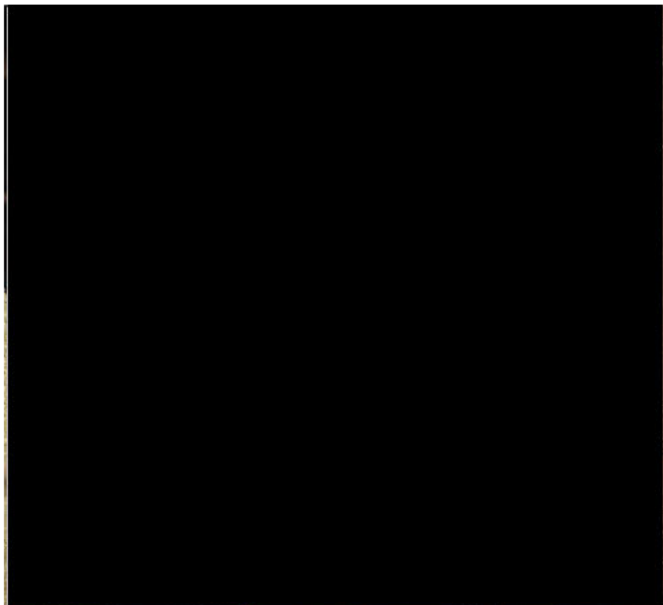
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<sup>7</sup> The entire BWC video of Tpr. Jereme Miller from June 27, 2024 is 3 minutes 7 seconds long; this is not a clip.

D/Tpr. Jacob Bowers (Tpr. Bowers). Forensic scientist Katie Gill told Tpr. Bowers, who was assigned to stay with the lab personnel as they processed the scene, that due to the dense brush surrounding Fiddler's body the Lab needed the fire department to respond to clear the area for them to access the body.

The Hillsdale Fire Department, specifically the Assistant Chief and two firefighters, arrived at 1:25 am on June 28, 2024. Tpr. Bowers escorted the three firefighters to the scene; he stayed with them the entire time<sup>8</sup> as they cleared the area by cutting limbs and large branches with a chain saw so the Lab could access Fiddler's body. No limbs or branches fell on or against Fiddler's body nor were any removed from Fiddler's body by the firefighters or Tpr. Bowers. Once the area was clear Tpr. Bowers escorted the firefighters from the scene at 1:40 am. The firefighter's use of a chainsaw accounts for the sawdust, shavings and splinters that are covering Fiddler's body.

Fiddler was found lying behind a short cement foundation wall that was crumbling. He was still holding the 9 mm Ruger model ECs semiautomatic pistol (Lab evidence item 85) in his right hand.



The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) ran a retrace report on the firearm recovered from Fiddler's right hand. ATF discovered that Eric Fiddler legally purchased the Ruger EC9S 9 mm pistol serial number 457-19050 on June 30,

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<sup>8</sup> An interview of Tpr. Bowers was conducted to provide additional details for this memorandum.

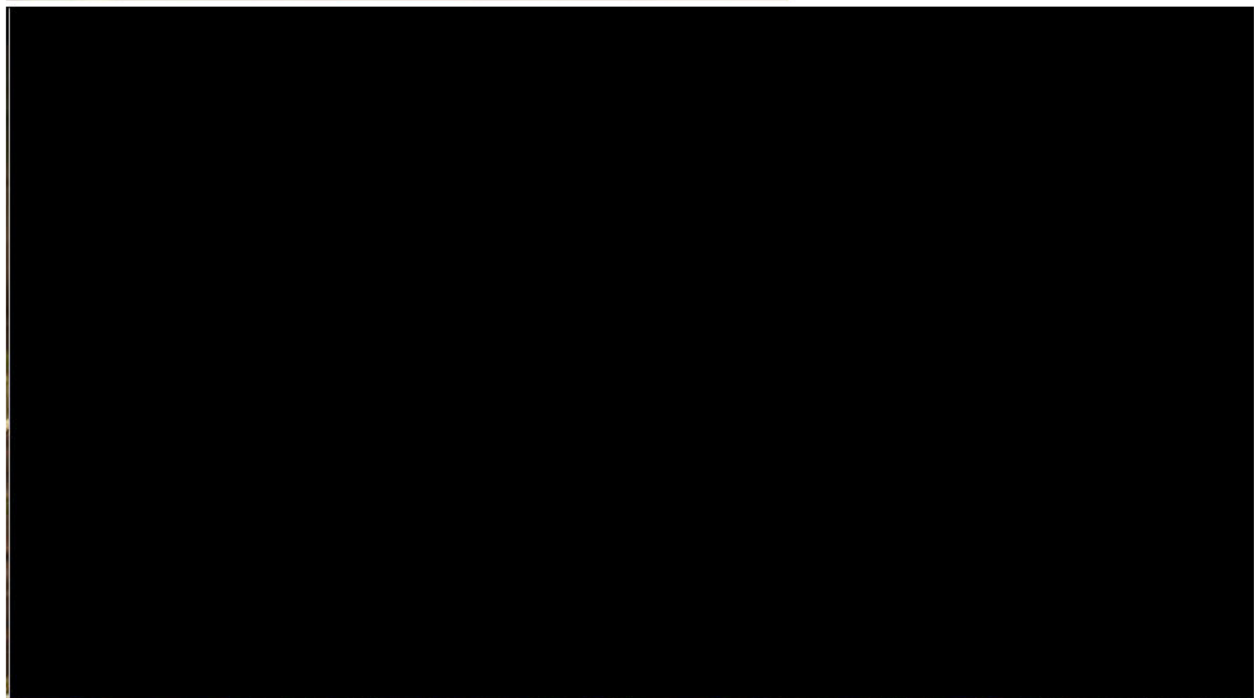
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2020 from Gander Outdoors in Coldwater Michigan and registered the pistol in his name.

The MSP Lab processed the scene and located one 9mm Luger fired cartridge case which became Lab evidence item 88, located about three feet from Eric Fiddler's body. See the below photographs of L88 close up and L88 in relationship to Fiddler's body.



The Ruger Prescott A2 9 mm handgun (L85), and the 9mm Luger fired cartridge case (L88) were taken to the MSP Forensic Laboratory in Lansing. After testing and examination were completed by the Firearms/Toolmarks Unit specialist at the MSP

Forensic Laboratory L88, the 9mm Luger fired cartridge casing located near Fiddler's body was "identified as having been fired" from L85 the Ruger 9mm pistol recovered from Fiddler's right hand.<sup>9</sup>

After the Forensic Laboratory stated that they were done processing the scene, Trooper Jeffrey Schrieber from the Brighton Post brought his K9 to the scene to search for any spent shell casings that not been located. The K9 did not locate any additional casings.

All EST members except for one K9 member (who did not fire) were carrying .223 caliber Sig Sauer rifles. Round counts were conducted on the six EST members who discharged their weapons by the MSP's Special Investigation Section. All rounds were accounted for. All their ammunition and weapons were confiscated, photographed and turned over to the laboratory for analysis. The MSP Forensic Laboratory tested all the fired weapons but was unable to determine which weapon or weapons fired either of the of the two bullets that were removed from Eric Fiddler during the autopsy.

The K9 officers Tpr. Jereme Miller and Tpr. Benjamin Sonstrom were both wearing their BWC. Tpr. Miller did not activate his BWC until after the shots had started but kept his on until he was exiting the forest. Tpr. Sonstrom activated his BWC as the EST approached the shed. The six members of the EST and the two RHINO officers were not wearing BWCs at any point during the track.

An autopsy was conducted on Eric Michael Fiddler on June 28, 2024 at 2:30 pm at the Jackson County Medical Examiner's Office (JCMEO)<sup>10</sup> by Dr. Patrick Cho, forensic pathologist. The cause of death was multiple gunshot wounds, and the manner of death was homicide. The opinion of Dr. Cho is that Eric Fiddler died of multiple gunshot wounds and there were no other contributing injuries. Dr. Cho further noted that the decedent was under the influence of methamphetamines at the time of sustaining the above-described injuries.

While the findings list "multiple gunshot wounds of head and face" there was only "one deformed, jacketed lead bullet recovered from head". The 'entrances were from the left side of face and head, perforating the brain, and exits right temporal/parietal

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<sup>9</sup> Laboratory No. LS24-1707, Record No. 2, Agency No. 10-232-24 identified one other 9mm Luger fired cartridge case, L19, which was recovered that was also fired from Fiddler's Ruger 9mm (L85), but the casing L19 was recovered from the Beecher Road shooting where Deputy Butler was killed. Since the scenes were so close in time and distance the evidence was processed together.

<sup>10</sup> The Jackson County Medical Examiner's Office performs autopsies for Jackson, Lenawee, and Hillsdale counties.

scalp; lower face'. There were multiple wound tracks downward. The gunshot wounds resulted in extensive destruction of the left cerebral hemisphere.

The gunshot wound in Fiddler's left shoulder entered his left anterior shoulder, perforated his left lung and they recovered the second "deformed lead bullet" from his rib. The wound track was anterior left shoulder, left chest cavity, then left upper lobe and left lower lobe of lung and terminating in the posterior left 10<sup>th</sup> rib.

There was a third bullet that was visible by X-ray and lodged in Eric Fiddler's left shoulder. Dr. Cho advised that he was unable to retrieve the third bullet due to it being lodged in the bone.

The JCMEO submitted blood, urine and vitreous fluid from Eric Fiddler to NMS Labs who issued a Toxicology Report for Fiddler on July 12, 2024. The Toxicology Report indicates that Fiddler had both methamphetamines and amphetamines in his blood. The NMS Labs report also notes that "Methamphetamine is a DEA schedule II stimulant drug capable of causing hallucinations, aggressive behaviors and irrational reactions." "Blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior. High doses of methamphetamine can also elicit restlessness, confusion, hallucinations, circulatory collapse and convulsions.". Eric Fiddler's methamphetamine level was significantly higher at 930 ng/mL of blood according to the NMS Labs Toxicology Report.

The mother of Eric Fiddler, [REDACTED] and her husband [REDACTED] were notified of her son's death by D/Sgt. Petersen and D/Sgt Hayward on June 27, 2025 at 11:15 pm at their residence. The officers explained how the investigation was going to be conducted, and the process going forward.

[REDACTED] stated that she did not have any contact with her son; that she had kicked her son and [REDACTED] out of the home on March 30, 2024 when she found a needle with heroin in her house when her grandson was present. She allowed her son back in her home in August, but his actions caused her to kick him out again within days and she had not spoken with him since August of 2023. She described Eric Fiddler's history of drug abuse including his use of methamphetamine. When the officers mentioned that Fiddler refused to provide the officers his information at the traffic stop, she indicated that it was likely due to his warrants for theft and child support. She also stated that she knew her son carried guns with him; recalled one was black in color. Her husband [REDACTED] though it was a semi-automatic pistol.

## V. Discussion

### **THE LACK OF BWC VIDEO**

K9 officers Tpr. Jereme Miller and Tpr. Benjamin Sonstrom were both wearing BWCs. Tpr. Miller activated his BWC at 18:04:46 (6:04 pm) after the shots had started and within the first two seconds of his video becoming active “Cease fire!” is called. Tpr. Sonstrom activated his BWC at 17:58:57 (5:58 pm) as the officers in the front of the track approach the shed. One minute into Tpr. Sonstrom’s BWC video the three warnings issued by Tpr. Kill of “State Police! Come out with your hands up!” at 17:59:58 on Tpr. Sondstrom’s BWC are issued.

The two RHINO detectives who joined the K9 officers and the members of the EST in the search for Eric Fiddler had originally arrived with the other RHINO officers to assist with the perimeter. Their reports indicate that body worn cameras were not utilized as it was not a planned operation as per MSP policy for multijurisdictional task force members. The two RHINO detectives were not part of the original Emergency Response Team sent to track Eric Fiddler but joined in the track to assist the EST.

Generally, it is the policy for MSP officers under Official Order 04-20 that enforcement members who are on duty and in uniform that they shall activate the BWC system to record dispatched or self-initiated law enforcement action and all contact with individuals in performance of official duties, with certain exceptions.

One of the exceptions to the BWC policy is found in Official Order 04-20-6 MJTF and MTIS. “Enforcement members assigned to a Multijurisdictional Task Force (MJTF) team or the Marijuana and Tobacco Investigation Section (MTIS) are not required to wear or activate their BWC system, except under the following circumstances:” Those two circumstances are while approaching the location to and during the execution of a search warrant and while executing planned buy/bust operations. RHINO, which stands for Region of Irish Hills Narcotics Office is based in Hillsdale and Lenawee Counties and they work with state, county, local and federal law enforcement officers to combat narcotics trafficking; they are a Multijurisdictional Task Force. Therefore, the two officers from RHINO, Tpr. Gantert and Sgt. Garvey, were following the MSP BWC policy that applies to them when they did not wear or activate their BWCs on June 27, 2024.

Another exception to MSP’s BWC policy is Specialty Units in section 04-20-5. In subsection A. “Specialty Units include the Aviation Unit, Bomb Squad, Canine Unit, Emergency Support Team, Traffic Crash Reconstruction Unit, and the Marine Services Team.” Specialty Unit members must activate their BWC when serving arrest warrants or search warrants. However, 04-20-5 subsection A. (2) states,

Enforcement members assigned to these specialty units performing tasks in which wearing the BWC would be impractical or unsafe shall not wear the BWC while performing those tasks.

All ten members of the tracking party were photographed immediately after the shooting wearing all the equipment they were wearing during the tracking and when the shooting occurred. Four members of the EST were wearing full camouflage and two were wearing dark blue. While the uniforms of the EST members were equipped for BWCs, the photographs are clear that no officer who discharged their weapon<sup>11</sup> was wearing a BWC.

It is clear from the evidence provided that the EST was tracking an individual who had just shot and killed Deputy Butler. There was every reason to believe Fiddler was still armed 45 minutes after shooting Deputy Butler, which is when Fiddler was spotted, and the EST was directed to that location. The EST was dressed in a manner to try and hide their position as they tracked Fiddler through the forest. The MSP utilize the Watchguard video system and when the Watchguard BWCs are activated they emit a red light and an audible buzz or beeb that can be seen and heard when they are activated. Activating their BWCs would have given away their location, which would have placed the members of the EST and the other four members of the tracking team in danger of being shot by Fiddler. To have worn BWCs in that situation would have been unsafe while they were performing their duties. In conclusion, the six members of the EST who did not wear a BWC were following MSP's BWC policy on June 27, 2024. Tpr. Jereme Miller, the K9 officer with a tracking dog who only turned on his BWC when the shooting began, also followed MSP's BWC policy on June 27, 2024. Tpr. Miller was not required to wear a BWC nor activate his BWC under the same 04-20-5 exemption for Specialty Units since Specialty Units includes "Canine Unit". While Tpr. Sonstrom chose to turn on his BWC<sup>12</sup> as the EST approached and then searched the shack, and then he chose to keep his BWC on which captured the additional warning(s) issued by Sgt. Ramirez to Fiddler as well as the order of gunshots one minute later, he was not required to do so by the BWC policy. Tpr. Sonstrom was not required to wear nor activate a BWC

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<sup>11</sup> Only the six members of the EST discharged their weapons. The two K9 officers and the two RHINO officers did not discharge their weapons.

<sup>12</sup> Tpr. Sonstrom's actions did not appear to place the EST nor the other members of the tracking team in danger by activating his BWC. Tpr. Sonstrom is a K9 officer but has a Tactical Entry Dog (T.E.D.) and was therefore staying to the rear of the track team. He appeared to be just leaving the area of the shed when Sgt. Ramirez is heard yelling the command(s) "Show me your hands!" and Tpr. Sonstrom runs to try and catch up to the team. The shooting has stopped before he arrives on scene.



as he was covered by the exemption in 04-20-5 for Specialty Units as he was also part of a Canine Unit.

## **USE OF FORCE, USE OF DEADLY FORCE & RELATED POLICIES**

All Michigan State Police officers are required to follow Official Order 05-01 Subject Control and Use of Force and Official Order 05-02 Use of Deadly Force<sup>13</sup>.

### **OFFICAL ORDER 05-01 Subject Control and Use of Force**

#### **05-01-1 OBJECTIVELY REASONABLE USE OF FORCE**

A. Under the Fourth Amendment of the United States Constitution, a law enforcement officer may only use such force as is “objectively reasonable” under all of the circumstances. The standard that courts will use to examine whether the use of force is constitutional was first set forth in *Graham v. Connor*, 490 U.S. 386 (1989), and expanded by subsequent court cases. The reasonableness of a particular use of force must be judged from the perspective of a reasonable law enforcement officer on the scene at the moment the force was used, rather than with 20/20 vision of hindsight. The reasonableness must account for the fact that law enforcement officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.

B. Reasonableness will be determined by balancing the nature and quality of the intrusions with the countervailing governmental interests. The question is whether the law enforcement officer’s actions are objectively reasonable in light of the facts and circumstances confronting the officer. Objective factors will determine the reasonableness of force including, but not limited to, the severity of the crime, whether the suspect poses an immediate threat to the safety of the law enforcement officers or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

### **OFFICAL ORDER 05-02-1 Use of Deadly Force**

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<sup>13</sup> Some portions of Official Order 05-01 Subject Control and Use of Force and Official Order 05-02 Use of Deadly Force were not included in this memorandum as they were not relevant to this situation or analysis.

A. Deadly force is any use of force that creates a substantial risk of causing death or serious bodily harm.

B. Deadly force is authorized to protect enforcement members or others from what is reasonably believed to be a threat of death or serious bodily harm.

C. Deadly force shall be exercised only when all other reasonable efforts to subdue the subject have failed or reasonable efforts cannot succeed without endangering the life of the enforcement member or others.

D. If a verbal warning is feasible under the circumstances and doing so will not increase the risk of injury to the member or any other person, the enforcement member should identify themselves as a law enforcement officer and give a verbal warning of their intent to use deadly force.

#### OFFICIAL ORDER 05-02-2 FIREARMS

B. Enforcement members and authorized non-enforcement members shall consider the totality of the circumstances when deciding to draw, point, or discharge a firearm, including, but not limited to, the following factors:

- (1) Severity of the offense.
- (2) Risk of injury to innocent bystanders.
- (3) Immediate threat to the enforcement member(s) and the public.
- (4) Apparent age of the suspect
- (5) Victim-suspect relationship.
- (6) Knowledge of the suspect's identity.

#### C. Life-Threatening Felony

(1) Firearms may be drawn, pointed, or discharged to affect an arrest when an enforcement member has probable cause to believe a person has committed a life-threatening felony listed in Section 05-02-2 C.(2) below or has escaped from custody after having been arrested for or convicted of committing a life-threatening felony.

(2) Whenever used in the Official Orders, life-threatening felonies are:

- a. Murder and attempted murder

(3) An enforcement member shall not discharge a firearm on a person who is fleeing on suspicion alone that such person may have committed a life-

threatening felony or solely because a person fails to stop on command or runs a blockade.

#### F. Drawing Firearms

(1) Firearms may be drawn or displayed only when an enforcement member or authorized non-enforcement member, is confronted with a potentially life-endangering situation.

In this case the evidence shows that Eric Fiddler had already killed a law enforcement officer a couple of hours earlier and had fled on foot with his firearm. The EST was aware he had killed a law enforcement officer and was likely still armed. Fiddler was aware that law enforcement was searching for him, having seen the officers as the perimeter was being set up which caused him to run back into the forest. Fiddler was a severe risk to law enforcement officers and any citizens he encountered. There were citizens in their homes on the edge of the law enforcement perimeter. Many law enforcement vehicles were parked in front of their homes and in their driveways as the civilians locked themselves in their homes. When Fiddler was seen exiting the forest, if he had not encountered the beginnings of the law enforcement perimeter, he could have crossed the street and had been a threat to those civilians. (Also see the diagram on page 28).



This roadway is the edge of the perimeter

Eric Fiddler created a life-threatening emergency. Fiddler was lying behind a short cement wall 55 feet away from the shed and would have been able to hear all three of Tpr. Kill's commands when Tpr. Kill yelled,

“Hey! This is State Police! Come Out with your hands up now!” “Hey! This is State Police! Come out with your hands up!” “Hey! Come out with your hands up! You will not be harmed!” (Tpr. Sonstrom’s BWC 17:59:58-18:00:22).

Fiddler was very likely already hiding behind the short cement wall when the tracking team was searching the shed. The tracking team was spread out, only two members searched the shed while the other eight members of the tracking remained outside, spread out watching and listening. If Fiddler had been moving around to get to the wall through all those trees, brush, and scrub less than 55 feet away the tracking team would have heard him.

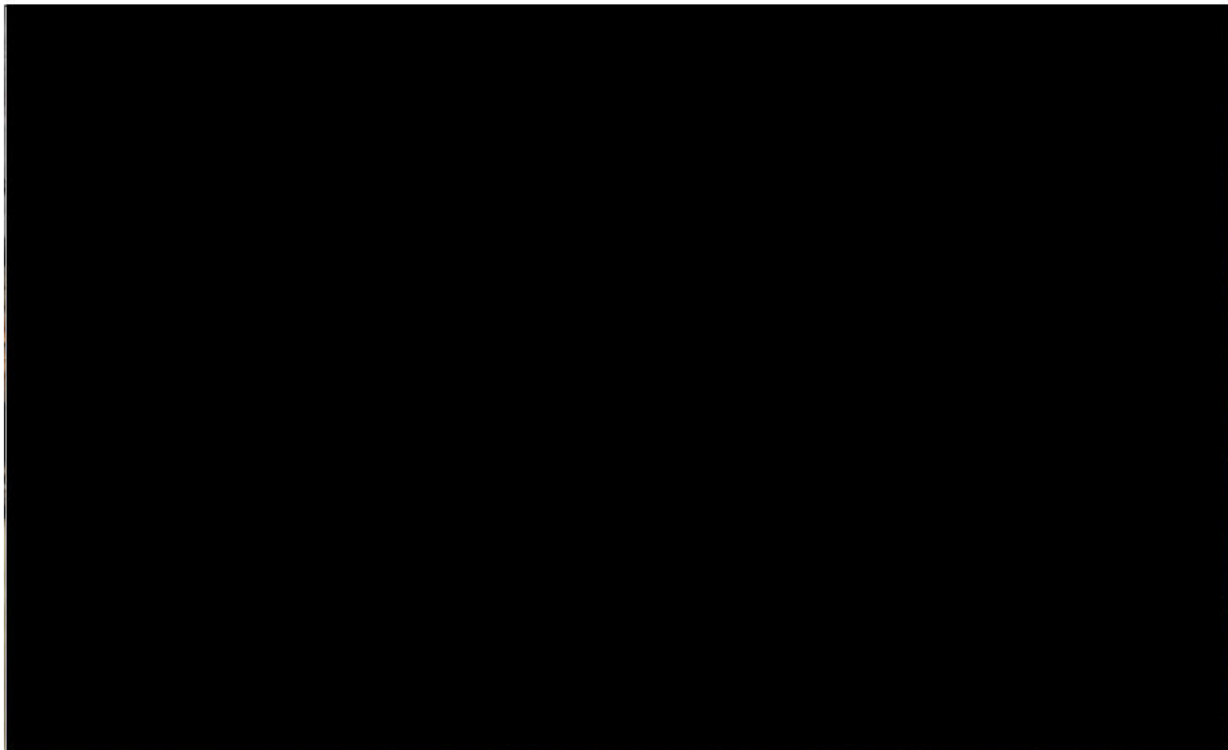
Fiddler was also in a position that he might have seen the officers and most certainly heard Sgt. Ramirez when he loudly gave the command(s) “Show me your hands!” (Tpr. Sonstrom’s BWC 18:04:07) only 1 minute after the shed was cleared and 4 minutes after Tpr. Kills’ commands. Sgt. Ramirez was standing less than 30 feet from where Fiddler is hiding behind the wall. Instead of showing his hands, instead of dropping his pistol, Eric Fiddler responds by shooting at the officers. The officers all heard one pistol shot and the single pistol shot after Sgt. Ramirez’s warning(s) is picked up on Tpr. Sonstrom’s BWC. That single pistol shot is distinctive, different in sound than the return fire of the rifles used by the EST.

In addition, the injuries to Fiddler’s head must be addressed. The photographs are graphic and disturbing but need to be examined. The officers who saw Fiddler behind the wall before he died indicated he was hiding, laying down partially behind the cement wall. However, Eric Fiddler could not have been lying completely flat on the ground and still have received the gunshot wounds to left side of his face. If he was laying flat on the ground on his left side, the bullets could not have entered the left side of his head, they would have entered the right side of his head and face.



The EST members are all standing up, firing down towards Fiddler. The bullets entered the left side of his face and exited the back towards the right. The only

way for Eric Fiddler's left side of his face and head to have received multiple gunshot entry wounds is if his upper body and head was propped up.



It appears from the photographs of the scene that Fiddler either used some wood along with his left arm to prop up his torso or he just used his left arm. It appears that his left arm collapsed under him as he fell to the ground and somewhat back, likely from the force of the bullets striking him which would have pushed him back, allowing his left arm to appear forward of his torso.

Understanding that Eric Fiddler is hiding behind the short cement foundation wall, partially lying down, partially braced up off the ground with his upper body, the question is why? Fiddler died with a gun in his right hand, a gun he fired at the EST immediately after Sgt. Ramirez issues his command(s) of "Show me your hands!". There is not enough time in between Sgt. Ramirez's command(s) and Fiddler firing a shot to allow for Fiddler to pick up a weapon. That means Fiddler already has his pistol in his right hand while he is lying there, partially hidden behind the cement wall, propped up on his left arm and likely some wood, holding a gun, likely already pointed in the officer's direction waiting for the officers to appear. Fiddler knows they are close; he's heard the three warnings Tpr. Kill yelled four minutes ago at the shed. Fiddler is lying in wait, waiting for the officers to either physically show themselves or to make some noise that gives away their location. Sgt. Ramirez sees Fiddler, issues the verbal command(s) to "Show me your hands!" and that appears to be what

Fiddler was waiting for as Fiddler immediately fires his pistol, either at an EST member he can see or in the direction that he hears the command(s) issued by Sgt. Ramirez coming from. This theory is not only supported by the physical evidence provided but also supported by the statement of Tpr. Spenser who stated that he was 3-5 feet away from Sgt. Ramirez when Sgt. Ramirez gave the loud command(s), he looked in the direction Sgt. Ramirez was looking in and saw Fiddler quickly fire a gunshot *at* them.

Eric Fiddler created a life-threatening emergency, he was lying in wait, he ignored the EST officers two separate attempts to deescalate the situation, he fired at the officers first and forced the officers to return fire in defense of themselves and their fellow officers.

The EST officers followed the Official Orders 05-01 Subject Control and Use of Force as their use of force was objectively reasonable in light of the facts and circumstances confronting the officers. They followed Official Orders 05-02-1 Use of Deadly Force since verbal commands were ineffectual and resulted in the EST being shot at, continuing other efforts would endanger the lives of the tracking team members and deadly force was authorized to protect enforcement members or others from what is reasonably believed to be a threat of death or serious bodily harm. The EST followed Official Orders 05-02-2 Firearms in that they were authorized under the policy to pull and eventually discharge their weapons based upon the immediate threat to the enforcement member(s) and the public.

MSP has a policy in effect Official Order 05-08 Post-Use of Force Medical Care which states,

05-08-01 POST-INCIDENT MEDICAL CARE<sup>14</sup>

A. Enforcement members using force on a subject shall make medical treatment available to that subject as soon as possible whenever:

- (1) The subject requests medical treatment.
- (2) The subject complains of injury or continued pain.
- (3) Any enforcement member observes or suspects injury to a subject.
- (4) The subject does not substantially recover from the effects of a use of force within a reasonable and expected period of time.
- (5) The subject displays any behavior that would indicate to a reasonable person that the subject may be ill or injured.

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<sup>14</sup> The remainder of Official Order 05-08 was not included in this memorandum as it pertained to the removal of removal of Electro-Muscular Disruption (EMD) Technology Device Probes.

However, the six officers who wrote of their observations of Eric Fiddler's physical condition in their reports or written statements after the shooting are clear that Eric Fiddler was deceased<sup>15</sup>. The medical examiner's report noted "extensive destruction of the left cerebral hemisphere." No amount of medical treatment could have revived him. The EST promptly called for medical support which was close by; it only took Tpr. Miller 16 seconds to walk from the shooting scene to the edge of the forest<sup>16</sup> and announce to the perimeter officers who are lining the street that he and his canine are walking out. In fact, as Tpr Miller arrives at the edge of the forest an officer asks a question and Tpr. Miller responds, "Everybody's good. He's down." (Tpr. Miller's BWC 18:07:37). The EST waited at the scene for medical to arrive and the EMTs pronounced Eric Fiddler dead at the scene. The photographs of Fiddler's injury and his autopsy report describing the multiple bullets that perforated his brain make it clear that Eric Fiddler was dead before any officer approached him. Any attempt by the EST members or other members of the tracking team to provide medical treatment would have been pointless and perceived as interfering with the evidence scene. This policy, like all policies, requires some reason and common sense in its application. This policy was not written to address this situation where any reasonable person can see that the injury to Fiddler was already fatal and no medical treatment that currently exists could bring him back to life. In this case there was no reason to attempt life saving measures and therefore this policy was not violated by any member of the EST or tracking party.

### **SELF DEFENSE & DEFENSE OF OTHERS**

In order for the State to consider charges against any member of the Emergency Response Team, an evaluation of self-defense and defense of others must be made since 1. There is evidence of both self-defense and defense of others, and 2. It has already been raised by the five members of the EST who provided written statements.

After Eric Fiddler fires his handgun at the Emergency Response Team, six members of the EST return fire with their rifles.

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<sup>15</sup> Original Incident Report of Tpr. Jereme Miller, Supplement 1 of Tpr. Benjamin Sonstrom, and the written statements provided by Tpr. Benjamin Breslin, Tpr. Drew Spenser, Sgt. Anthony Ramirez, and Sgt. Andrew Pinkerton.

<sup>16</sup> A photograph of the entire diagram completed by MSP Aviation and Accident Reconstruction Expert Spl/Sgt. Gregory Kamp which shows how close the shooting location was to the law enforcement perimeter and the civilian homes is on the last page of this memorandum.

Tpr. Kill wrote that *“the suspect was known to be armed with a pistol. A clear pistol shot rang out, followed by rifle fire and possibly another pistol shot. Fearing for the lives of all the troopers in the tracking team and not knowing if any of them had just been shot, I quickly stepped on line with the other tracking team members and fired my rifle at the suspect who was clearly wearing a black shirt with white lettering, matching his description,.. “*

Tpr. Breslin wrote that *“I heard Tpr. Ramirez yell out something to the effect of “show me your hands”. I looked to see the direction Tpr. Ramirez was pointing and I began moving to position myself on line to get a visual of the suspect, during which time I heard what I believed to be a gunshot, coming from the direction I believed the suspect to be located. I believed the suspect was shooting at us. As soon as I got to my position on line, I saw the suspect’s head and upper body. The suspect was lying in a prone position, partially behind some sort of cinderblock foundation. I heard what I believed to be a second gunshot coming from the suspect’s location. I believed the suspect was shooting a firearm at me and the other officer’s with me in an attempt to kill us. I feared for my life and the lives of everyone with me. At this moment, I feared one of the other Officers I was with could have already been shot. Using my department issued rifle, I returned fire at the suspect.”*

Tpr. Spenser wrote *“I was standing approximately 3-5 feet away from Sgt. Ramirez and looked in the direction Sgt. Ramirez identified the suspect. As I did so, I observed the suspect laying down behind a cement wall and the suspect quickly fired a gunshot at us from his location. I immediately began returning fire at the suspect using my department issued MCX rifle. After members returned rounds of fire, we held aim on the suspect in the event he attempted to fire again and we checked the status of all MSP personnel for injuries.”*

Sgt. Ramirez wrote *“I ordered the subject to show me his hands twice before I heard a single gunshot. At that time, in fear for my life and the others with me, I fired my weapon at the suspect.”*

Sgt. Pinkerton wrote *“Immediately upon completion of the first verbal announcement by Sgt. Ramirez, I heard a gunshot in our direction and briefly observed the suspect concealed behind the cinderblock foundation. At the time the suspect was contacted, there were several Team members positioned between the suspect and me. I moved laterally to acquire a safe position from which I could return fire and engage the suspect to stop the threat. Fearing for the safety of my fellow team members and my own, I fired my EST-issued Sig Sauer MCX rifle at the suspect to stop the threat.”*

## **Right to Self Defense and No Duty to Retreat**



The Michigan Model Criminal Jury Instructions state in M Crim JI 7.22 Use of Nondeadly Force in Self-Defense or Defense of Others that “a person has the right to use force to defend [himself] under certain circumstances. If a person acts in lawful self-defense, his actions are justified, and he is not guilty of [a crime]. M. Crim. JI 7.22. In making this determination one “should consider all the evidence” and should consider the following three rules, judging the individual’s actions according to how the circumstances appeared to that individual at the time they acted. The first rule provides that the individual must “have honestly and reasonably believed that [he] had to use force to protect [himself] from the imminent unlawful use of force by another.” *Id.* The individual need not be correct in their evaluation of the danger presented, so long as their belief was honest and reasonable. Second, a person may only use the degree of force that seems necessary at the time, and the individual must have used appropriate force under the circumstances as [he] saw them. In making this determination, one must consider whether the individual knew of another means of protecting himself, but one must also consider “how the excitement of the moment affected the choice [he] made.” *Id.* Third, “the right to defend [oneself] only lasts as long as it seems necessary for the purpose of protection.” *Id.* Fourth, the individual claiming self-defense must not have acted wrongfully or instigated the assault. *Id.* See also, *People v. Deason*, 148 Mich. App. 27 (1985) and *Brownell v. People*, 38 Mich. 732 (1878).

The Michigan Model Criminal Jury Instructions also state in M Crim JI 7.20 Burden of Proof-Self-Defense that “The defendant does not have to prove that [he] acted in self-defense. Instead, the prosecutor must prove beyond a reasonable doubt that the defendant did not act in self-defense.”

Once a defendant raises the issue of self-defense and “satisfies the initial burden of producing some evidence from which a jury could conclude that the elements necessary to establish a prima facie defense of self-defense exist,” the prosecution must “exclude the possibility” of self-defense beyond a reasonable doubt. *People v. Dupree*, 486 Mich. 693, 709–710, 788 N.W.2d 399 (2010). “[o]ne who is not the aggressor in an encounter is justified in using a reasonable amount of force against his adversary when he reasonably believes (a) that he is in immediate danger of unlawful bodily harm from his adversary and (b) that the use of such force is necessary to avoid this danger. (citing 2 LaFave, Substantive Criminal Law (2d ed), § 10.4, p. 142.). *Dupree* at 707. A claim of self -defense or defense of others first requires that a defendant has acted in response to an assault. *City of Detroit v Smith*, 235 Mich App 235, 238; 597 NW2d 247, 249 (1999).

There is an additional hurdle for the People to overcome as the officers had a legal right to be there and there was no duty for any member of the EST to retreat back into the forest and away from Fiddler under the Self Defense Act (SDA). MCL 780.972

(1) An individual who has not or is not engaged in the commission of a crime at the time he or she uses deadly force may use deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if either of the following applies:

(a) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.

“Section 2 of the SDA removed the traditional common-law duty to retreat, so long as the individual engaging in self-defense or defense of others was not committing or had not committed a crime and had a legal right to be where they were when they used force.” *People v. Leffew*, 508 Mich. 625, 641, 975 N.W.2d 896, “[A]side from limiting one's duty to retreat, the statute did not modify or abrogate the common-law defenses of self-defense or defense of others” or the right to use deadly or nondeadly force. *Id.* at 642.

A prosecutor may only charge said individual with a crime arising out of the use of deadly force if the prosecutor can provide evidence “establishing that the individual’s actions were not justified.” M.C.L. 780.961(1)(2). See also, *People v. Guajardo*, 300 Mich App 26 (2013) (discussing and upholding Michigan’s Self Defense Act and the use of deadly force).

Further, the U.S. Supreme Court has also ruled regarding the right to use deadly force and in particular in the context of police officers use of deadly force. In *Tennessee v. Gardner*, the U.S. Supreme Court stated “[w]here the officer has probably cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force. Thus, if the suspect threatens the officer with a weapon or there is probably cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.” *Tenn. v. Garner*, 471 US 1, 11-12 (1985).

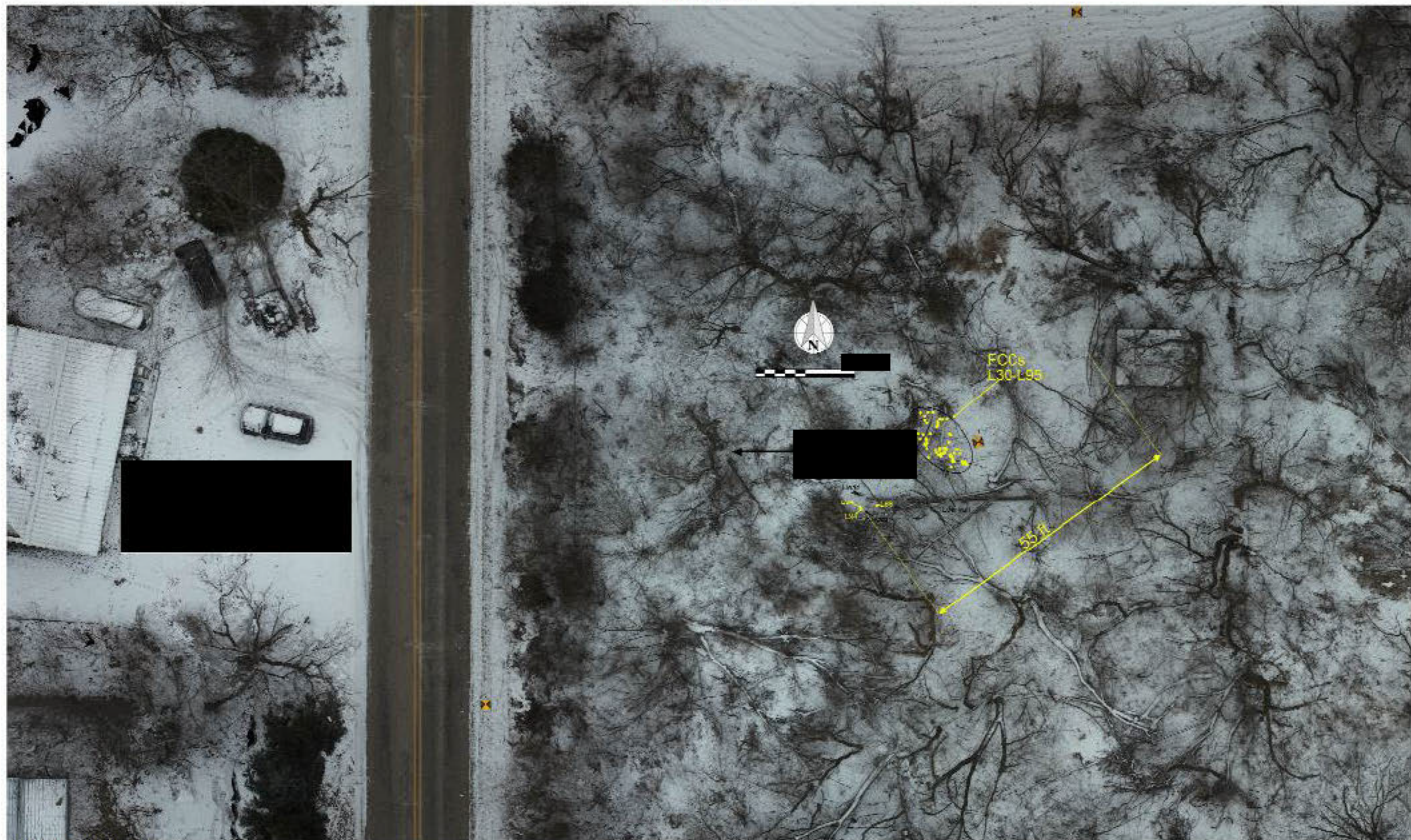
The U.S. Supreme Court also analyzed and ruled on the issue of police use of force in *Graham v. Connor*, 490 US 386 (1989). In *Graham v. Connor*, the Court held that claims alleging police officers have used excessive force must be analyzed under the Fourth Amendment “reasonableness standard” and not under a “substantive due process” approach. *Id.* at 395. Additionally, “[t]he ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* at 396. In determining whether an officer’s actions were reasonable, there must be “allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving...” *Id.* at 396-97.

Based on all the available evidence the Michigan State Police Emergency Support Team’s belief that deadly force was necessary was both honest and reasonable under the law. MCL 780.961 and the cited case law prohibits our office from issuing criminal charges in this case where we cannot prove that the use of deadly force was unjustified. Charges against Trooper Thomas Kill, Trooper Benjamin Breslin, Trooper Drew Spenser, Trooper Thomas Pinkerton, Sargent Anthony Ramirez, and Sargent Andrew Pinkerton must be denied.

## **VI. Conclusion**

No charges may be issued against any member of the Emergency Support Team for their actions on June 27, 2024 in Hillsdale.

Press release: Yes. It is attached as a separate document.



Michigan State Police  
Spl/Sgt. Gregory Kamp  
Incident Date: June 27, 2024

This is the photograph referenced in footnote 16 on page 23 and it is the entire diagram completed by MSP Aviation and Accident Reconstruction Expert Spl/Sgt. Gregory Kamp which shows how close the shooting location was to the law enforcement perimeter and civilian homes and why it only took Tpr. Miller 16 seconds to walk from the shooting location to the edge of the forest/perimeter.