

MISSOURI STATE HIGHWAY PATROL
REPORT OF INVESTIGATION

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| STATE CONTROL NO.: | 12 261 015 038 | REPORT DATE: | 03/26/13 |
| REPORTING OFFICER: | SERGEANT P. L. SMITH | 0993 | TROOP OF OCCURRENCE: C |
| OCC TYPE: | OFFICER INVOLVED SHOOTING | | |
| COUNTY: | FRANKLIN | SCENE PROCESSED: | N |
| DATE/TIME: | 09/11/2012 | | |
| OFFENSE STATUS: | INACTIVE | DDCC AT SCENE: | N |
| LOCATION: | FRANKLIN COUNTY | | |

DETAILS OF INVESTIGATION

EXAMINATION OF WEINHAUS' WRIST WATCH

1. On Tuesday, March 26, 2013, I transported Jeffrey Weinhaus' watch to the Missouri State Highway Patrol Digital Forensic Unit, in Jefferson City, Missouri. I obtained a search warrant in Cole County and provided it to the Digital Forensic Unit. Once the search warrant was obtained, Weinhaus' watch was examined. The Digital Forensic Unit found Weinhaus' watch was capable of recording data.

2. The Digital Forensic Unit located a video captured by the watch. The video appeared to capture the officer involved shooting that occurred on September 11, 2012, involving Weinhaus. A review of the video showed that it was 23 minutes and 45 seconds in length. It starts with Weinhaus driving in a vehicle and the watch appears to be attached to his left arm. Weinhaus reports the date is "nine, eleven, twenty-twelve." He follows by stating that Sergeant H. J. Folsom called him back and they were supposed to give him his computers back. He says he was running around trying to get someone to go with him. He said he went by a place, I could not understand on the audio, and they advised they were too busy. Weinhaus advised he would have to go alone and let the Lord be with him, and then he prayed.

3. After a short prayer, he received a phone call after approximately recording for nearly 54 seconds. During the phone call, he asked who it was calling him. Then, he asked them if they got their money the day before. He then informed the caller that the Highway Patrol wanted to give him his computers back and wanted to meet him at the gas station to return his computers. He informed the caller he was looking for someone to go with him. He said, "But these Pastors around here" and mumbled. He followed by telling the caller to just pray for him. At this time in the video, he was stopped at what appeared to be the BP Service Station, believed to be the one located on Missouri 30 at Route K. A short time later, he tells the caller, "At the MFA Station in St. Clair...you know down the road from me." A short time later, Weinhaus informs the caller he is on his way now, but is he still stopped at the BP Service Station. He tells the caller he will be there in a minute, believing he meant to the MFA Station, and asks the caller if she had any way to record the meeting. The caller, who is now on speaker phone and appears to be a female, informed him she did. At this point in the conversation, Weinhaus is driving again. She, believed to be his former wife Valerie Weinhaus, can be heard mentioning using the

computer lab, but her whole conversation cannot be heard because of a passing vehicle. He informed her he was turning on Route K. At this time, the watch had been recording for approximately 3 minutes.

4. As he appears to be traveling on Route K, he begins singing the Battle Hymn of the Republic. The caller laughs and tells him he needs to be praying, not singing. He stops singing and begins to pray.

5. After recording for approximately 4 minutes and 34 seconds, he tells the caller, "Well they're here and I'm pulling in here." He appears to make a left turn. He prays again. After recording for approximately 4 minutes and 56 seconds, it appears Weinhaus' driver's door opens. It appears Weinhaus does not exit immediately, and approximately 8 seconds passed before he exited. During the 8 seconds, it appears Weinhaus remained in the driver's seat area, and rattling can be heard.

6. When Weinhaus exits, the watch is recording, but only catches parts of what is happening because it is moving. Sergeant Folsom says, "How's it going Jeff?" Sergeant Folsom can be seen wearing a green polo type shirt with what appears to be a Missouri State Highway Patrol logo on the left chest area. He is holding an envelope in his hand and is walking to his left. Weinhaus responds, "Good how are you?" Sergeant Folsom immediately asks Weinhaus why he has a gun and Weinhaus asked him why he had a gun. Corporal Mertens can be seen wearing a white polo type shirt with what appears to be a Missouri State Highway Patrol emblem on the left chest area. Corporal Mertens is opening the trunk of a white unmarked Chevrolet Impala parked behind Weinhaus' vehicle. Sergeant Folsom says, "Cause I'm authorized to have a gun." Weinhaus responded, "All right well I'm authorized to have a." Corporal Mertens begins to walk towards the rear of Weinhaus' vehicle and is on Weinhaus' left side. Sergeant Folsom is to Corporal Mertens left. As Corporal Mertens is walking, he draws his firearm with only his right hand. Sergeant Folsom instructs Weinhaus to get on the ground followed by Corporal Mertens instructing Weinhaus to get on the ground. Sergeant Folsom instructs Weinhaus to get on the ground again and Weinhaus said, "You're going to have to shoot me man." After recording for approximately 5 minutes and 17 seconds, the watch turns to capture Sergeant Folsom shoot Weinhaus. The watch only catches a brief part of the shooting and several shots can be heard being fired. Five or six shots can be heard being fired and Weinhaus appears to fall to the ground. The watch continues to record and appears to be recording video of the ground.

7. After recording for approximately 5 minutes and 26 seconds, Sergeant Folsom says, "He's still got the gun Scott." Corporal Mertens asks Sergeant Folsom if he's got him and he replies he's got him. Sergeant Folsom then says to what appears to be others in the area it is the police, FBI, and Highway Patrol. After recording for approximately 5 minutes and 40 seconds, Sergeant Folsom can be heard instructing someone to cover him, two times. Then, it appears Weinhaus' gun and holster are removed from him. The video captures his belt and it sounds like Velcro and buckles are being removed from Weinhaus' belt area. After recording for approximately 5 minutes and 56 seconds, Sergeant Folsom can be heard telling someone to get an ambulance. After recording for approximately 6 minutes and 40 seconds, a siren can be heard approaching in the background. After recording for approximately 6 minutes and 56 seconds, Sergeant Folsom can be heard saying, "George", as it appeared he was talking on his cell phone. He

can also be heard telling someone about a gas station and a gun in a holster. He says that he (Weinhaus) went to pull a gun out of the holster and went to shoot him (Sergeant Folsom), at which time he shot him (Weinhaus). Corporal Mertens advised he shot also and Sergeant Folsom said five to seven shots were fired. Sergeant Folsom continues his conversation informing the caller that he had Troop C cars en route and an ambulance en route. He suggested that some criminal investigators should respond to the scene. He thanked "George" and gave him his location.

8. After recording for approximately 7 minutes and 50 seconds, Corporal Mertens advised Weinhaus was not dead and they rolled him over. Corporal Mertens can be heard telling Weinhaus to hold on and to stay with them. He keeps repeating for Weinhaus to stay with them. After recording for approximately 10 minutes and 48 seconds, Missouri State Highway Patrol Troop C Corporal L. Keathley said, "Is that a gun in there", to which Sergeant Folsom replied, "Yea there is and leave it right there." After recording for approximately 11 minutes and 7 seconds, the siren of another police car can be heard approaching the scene. Sergeant Folsom advised Weinhaus they had called an ambulance and it was on its way. After recording for approximately 11 minutes and 27 seconds, the siren of the ambulance can be heard approaching the scene. After recording for approximately 12 minutes and 37 seconds, it appears the ambulance personnel arrived on the scene. Sergeant Folsom provided them with information about Weinhaus, and Corporal Mertens removed the handcuffs from Weinhaus. Sergeant Folsom and Corporal Mertens both advised Weinhaus had not been searched.

9. After the ambulance personnel arrived, they began working on Weinhaus. They can be heard performing their duties until the recording stops. It stops as the ambulance personnel are still on the parking lot of the MFA Service Station and have not loaded Wienhaus into the ambulance.

10. A copy of the search warrant is attached to this report. I transported one of the copies of the video I received from the Digital Forensics Unit to the Franklin County Prosecuting Attorney, Robert Parks. I copied the other compact disk and a disk containing a copy of the video is attached to this report. The original was kept secure and in my control until it was packaged and labeled as evidence. It was transported to the Troop C Evidence Room for storage. A copy of the Digital Forensic Investigative Unit's report is attached to this report to include a disk containing all the data retrieved from the watch.

11. This investigation is considered closed.

Perry L. Smith, Sergeant
Division of Drug and Crime Control

PLS:ejs