



**DANE COUNTY
DISTRICT ATTORNEY
ISMAEL R. OZANNE**



**PRESS RELEASE
For Immediate Release**

**Date: 10-10-11
Time: 3:00 PM**

**NO CRIMINAL LIABILITY FOR LAW ENFORCEMENT
OFFICERS INVOLVED IN SHOOTING OF
BRANDON JOHNSON ON 10-4-2011**

After extensive briefings by investigators, an inspection of the scene shortly after the incident, a review of summary reports, diagrams, and other evidence, the Dane County District Attorney's Office concluded Monday, October 10, 2011, that there is no potential criminal court liability for the City of Middleton Police Officers involved in the shooting of Brandon S. Johnson in the City of Middleton on October 4, 2011.

"The officers responded to a disturbance in which they had knowledge of a prior felony domestic incident at the residence. When the door was answered by Mr. Johnson, he refused to exit the apartment to speak with officers. At that time the officer saw Mr. Johnson raise a shotgun which was behind his leg," said Dane District Attorney Ismael Ozanne. "Responding to that threat with deadly force is permitted under the law."

At approximately 2:15 AM, on October 4, 2011, City of Middleton Police Officers were dispatched to 7212 South Avenue in the City of Middleton regarding a domestic disturbance complaint. The complainant could hear screaming, yelling and loud banging coming from a neighboring apartment where there had been prior domestic disturbances. Upon arrival at the residence, officers responded to apartment #8 and knocked on the door repeatedly, receiving no response.

When the door was finally answered by a white male, later identified as Brandon S. Johnson, officers asked Mr. Johnson to exit the apartment to speak with them. Mr. Johnson refused to exit the apartment, stating "I'm right here." At this time the officer saw Mr. Johnson raise a gun. He repeatedly ordered Mr. Johnson to drop the weapon before firing and wounding Mr. Johnson.

Relevant evidence includes statements of witnesses inside of the apartment, officers at the scene, and audio from the officer's microphone, all of which are consistent with each other.

Under Wisconsin law, which applies equally to members of law enforcement and to those who are not, any person may use deadly force to respond to a genuine fear of deadly force to that person or any other person. In this case, the officer was compelled to use deadly force in response to the situation.

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The role of the District Attorney's Office in a case of this type is limited to a review of the facts to determine whether further investigation is merited and, after all available evidence is obtained, whether criminal charges could be merited for any individual who has survived the incident. Police executives and supervisors have the exclusive responsibility of establishing appropriate training and protocols for use in response to crisis events, and of selecting from among the tactical options available to police in responding to particular events.

In this case, the Dane County Sheriff's Office, appear to have conducted a very thorough, objective investigation that is ongoing. The determination by this office that no criminal liability is possible is clearly warranted based on the consistent and extensive evidence that has been assembled since the shooting.

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