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REPORT OF EXAMINATION RESULTS

DATE: October 15, 2015

TO: Attorney Michael Padden
Padden & McCollister, PLLC
8687 Eagle Point Blvd.
Lake Elmo, MN 55042

RE: Walter Louis Franklin II v. Lucas Peterson, Michael Meath, Janeé Harteau and the City of
Minneapolis

Alliance Forensics Laboratory Case Number: 2015-0406-CVP-001

SERVICES REQUESTED: Shooting scene reconstruction

LIST OF INVOLVED INDIVIDUALS:

Lucas Peterson (Officer)
Michael Meath (Officer)
Mark Durand (Officer)
Ricardo Muro (Officer)
Terrance Terrell Franklin (decedent)

FIREARMS/AMMUNITION:

Heckler & Koch, 9mm, MP5 sub machine gun
SigSauer, 9mm, P226 semi-automatic pistol
SigSauer, 9mm, P225 semi-automatic pistol
SigSauer, 45 auto, P220 semi-automatic pistol

DATE OF INCIDENT: May 10, 2013

LOCATION:

2717 Bryant Ave. South
Minneapolis, MN

DOCUMENTS REVIEWED:

Exhibit A – Several emails arriving on 4/6/15 containing the following case documentation:

- Searchable Police Files
- Searchable Autopsy Report
- Original Documents
- Complaint

Exhibit B – One email arriving on 5/27/2015 containing a link for DropBox to download the following case documentation:

- CAPRS Police Reports and MECC Reports
- Homicide Investigator's File
- MPD Internal Affairs Critical Incident Final Report
- Crime Scene Entry Log
- Photocopies of Field Notebook
- Crime Lab File
- Video taken by civilian

Exhibit C – One email arriving on 6/29/2015 containing a link for DropBox to download the following case documentation:

- Videos of the Auto stop
- Autopsy photos and Notes
- Dispatch and Channel Traffic Records
- DNA Lab Documentation
- K9 Related Documentation
- History of Officer Lucas Peterson
- Photographs, Videos and Sketches
- Policy Documents
- Searchable Police File

Exhibit D – One email arriving on 8/3/2015 containing a link and login information for DropBox to download the following case documentation:

- Three enhanced audio files
- Three enhanced video files

Exhibit E – One email arriving on 10/5/2015 containing the depositions of:

- Kristin Jacobson
- Mark Durand
- Ricardo Muro
- Lucas Peterson
- Michael Meath
- Andrew Stender

Exhibit F – Several emails arriving on 10/5/2015 containing the following case documentation:

- Deposition of Dr. Enid Boeding
- Report of Dr. Enid Boeding
- Autopsy Photos of Dr. Enid Boeding
- Autopsy Diagrams of Dr. Enid Boeding

EVIDENCE REVIEWED

The following items were received via USPS (Tracking #2315 0610 0000 1312 3639) on 8/31/15:

- Item 1 is one (1) manila envelope labeled "projectile fragments recovered from posterior neck" containing two (2) lead fragments.
- Item 2 is one sealed manila envelope labeled "projectile fragments recovered from brain and dura and scalp" containing six (6) copper jacket fragments and three (3) lead fragments.
- Item 3 is one sealed manila envelope labeled "projectile recovered from anterior right shoulder" containing one (1) fired bullet.
- Item 4 is one sealed manila envelope labeled "recovered projectile from anterior to right scapula" containing one (1) fired bullet.
- Item 5 is one sealed manila envelope labeled "projectile from body bag" containing one (1) fired bullet.
- Item 6 is one sealed manila envelope labeled "projectile fragments recovered from hair" containing three (3) lead fragments.
- Item 7 is one sealed manila envelope labeled "projectile recovered from posterior brain tissue" containing one (1) fired bullet.
- Item 8 is one sealed manila envelope labeled "projectiles recovered from posterior brain tissue" containing one (1) fired bullet.
- Item 9 is one sealed manila envelope labeled "projectile recovered from R supraclavicular tissue" containing one (1) fired bullet.
- Item 10 is one sealed manila envelope labeled "projectile/fragments recovered from L skull base" containing one (1) fired copper jacket and three (3) lead fragments.
- Item 11 is one sealed manila envelope labeled "projectile fragment recovered from R parietal scalp (Wound A)" containing one (1) copper jacket fragment.

- Item 12 is one sealed manila envelope labeled "projectile recovered from occipital scalp" containing one (1) fired bullet.
- Item 13 is one sealed manila envelope labeled "projectile fragments recovered from R shoulder" containing one (1) lead and copper jacket fragment and one (1) lead fragment.
- Item 14 is one large manila envelope containing one sealed manila envelope labeled " Meath, Michael" containing one (1) copper fragment and one (1) lead fragment.
- Item 15 is one sealed manila envelope labeled "Fired bullet w/BLS from floor, laundry room closet along North Wall" containing one (1) fired bullet and empty envelope labeled "original".
- Item 16 is one sealed manila envelope labeled "from red toolbox organizer tray" containing one (1) fired bullet.
- Item 17 is one sealed manila envelope labeled " [C] from storage bin next to tool bucket" containing one (1) Federal brand .45 Auto caliber fired cartridge case and one empty envelope labeled "original packaging".
- Item 18 is one sealed manila envelope labeled "[D] from floor in BLS next to decedent's head" containing one (1) Federal brand 9mm Luger caliber fired cartridge case and one empty envelope labeled "original packaging".
- Item 19 is one sealed manila envelope labeled "[F] from floor in front of washing machine" containing one (1) Federal brand 9mm Luger caliber fired cartridge case.
- Item 20 is one sealed manila envelope labeled "[G] from floor near decedent's left foot" containing one (1) Federal brand 9mm Luger caliber fired cartridge case.
- Item 21 is one sealed manila envelope labeled "[H] from floor near vacuum" containing one (1) Federal brand .45 Auto caliber fired cartridge case and one empty envelope labeled "original packaging".
- Item 22 is one sealed manila envelope labeled "[I] from stack of plastic bins near North wall" containing one (1) Federal brand 9mm Luger caliber fired cartridge case.
- Item 23 is one sealed manila envelope labeled "[J] from floor near decedent's left foot" containing one (1) Federal brand .45 Auto caliber fired cartridge case.
- Item 24 is one sealed manila envelope labeled "[K] from floor near decedent's back" containing one (1) Federal brand .45 Auto caliber fired cartridge case.
- Item 25 is one sealed manila envelope labeled "[L] from pocket of wall organizer on North wall" containing one (1) Federal brand 9mm Luger caliber fired cartridge case.
- Item 26 is one sealed manila envelope labeled "[M] from floor under ladder along west wall" containing one (1) Federal brand 9mm Luger caliber fired cartridge case and one envelope labeled "original packaging".
- Item 27 is one sealed manila envelope labeled "[unmarked] from floor under decedent" containing one (1) Federal brand 9mm Luger caliber fired cartridge case and one envelope labeled "original packaging".
- Item 28 is one manila envelope containing one sealed manila envelope containing one sealed manila envelope labeled "from magazine of MP5" containing twenty two (22) Federal brand

9mm Luger caliber unfired cartridges and two (2) Federal brand 9mm Luger +P unfired cartridges.

On 04/27/15, the author traveled to Minneapolis to examine the scene of the shooting incident.

On 10/9/15, the author traveled to Minneapolis to examine the following evidence:

- Decedent's t-shirt
- Officer Meath's uniform pants
- Officer Muro's uniform pants
- Test fired the following guns for residue patterns:
 - Durand's Heckler & Koch, 9mm, MP5 sub machine gun
 - Peterson's SigSauer, 9mm, P226 semi-automatic pistol
 - Meath's SigSauer, 45 auto, P220 semi-automatic pistol

CASE BACKGROUND

The following case background summary, which is based upon the above-listed case-related documentation and witness statements, is included by the author of this report solely for the purpose of providing an understanding of the background of this incident. **No assumptions should be made as to the ultimate truthfulness of witness statements.**

On the date of the incident, Terrance Franklin (decedent) was evading the police and hid in the basement of 2717 Bryant Ave. South, a residence to which he had no known connection. Upon discovery of his location, the SWAT Officers proceeded into the basement to try and apprehend the decedent. It is stated by the SWAT Officers that the decedent managed to gain control of Officer Durand's firearm long enough to shoot two of the SWAT Officers (Officers Meath & Muro) before the SWAT Officers returned fire, resulting in the death of Terrance Franklin.

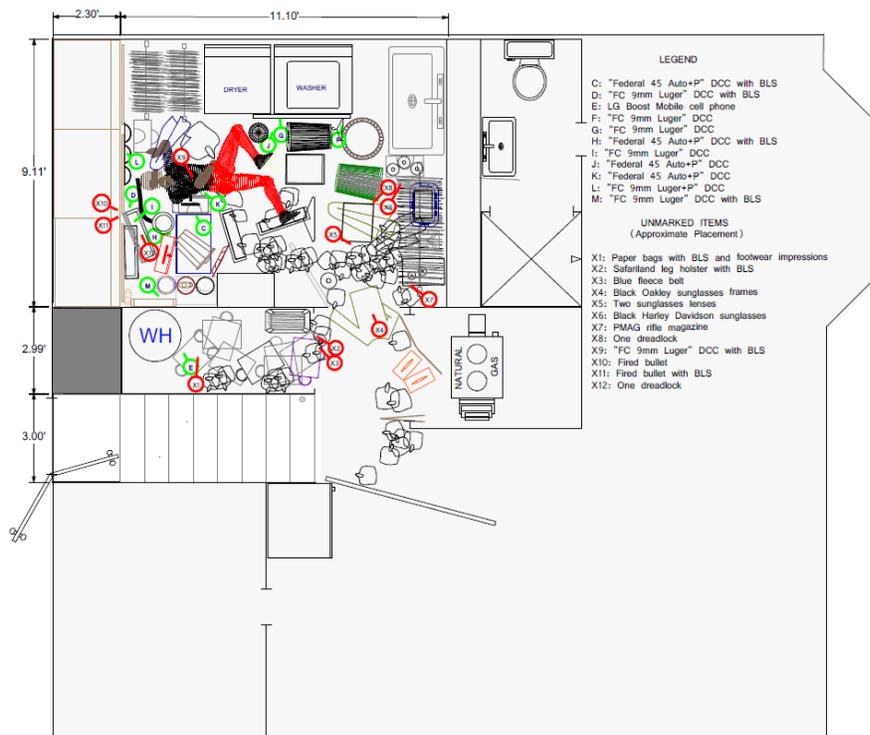
DISCUSSION & CONCLUSIONS:

By way of explanation, shooting incident reconstruction is the development of a likely or probable sequence of events in a shooting incident. It is based upon the study of available reports, photographs, drawings, diagrams and physical evidence. These are then used by the examiner to form an opinion of the most probable sequence of events. An opinion may also be rendered as to what some of these actions most likely indicate.

The examiner's opinions are based upon the available evidence, and they rely on the examiner's experience, education, and training. While all events and segments may or may not be explained, those that are explained reflect the most probable sequence based upon the known facts.

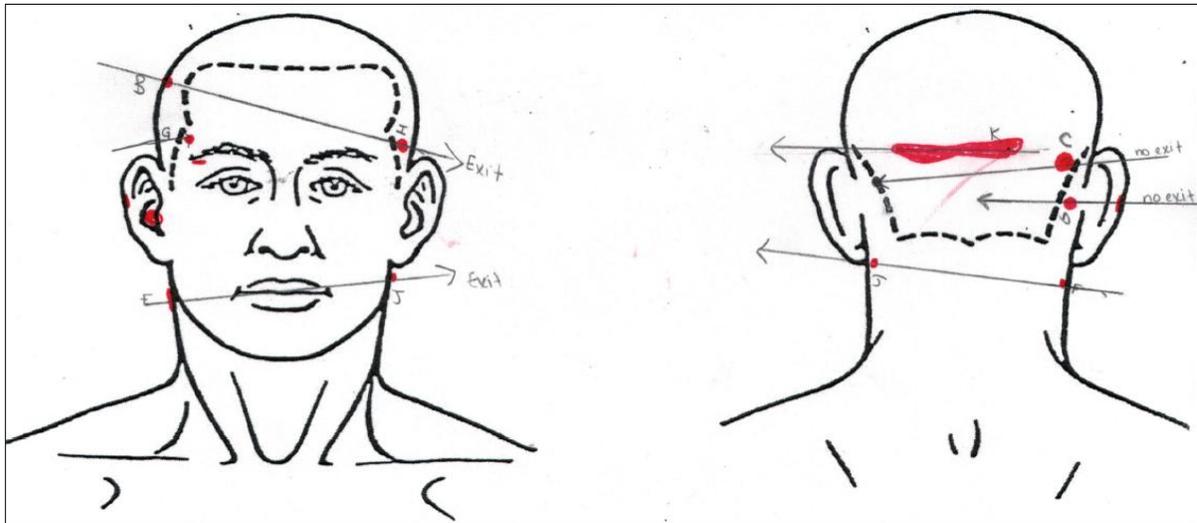
After examination and review of the above-listed evidence, scene examination, photographs, and documentation the following conclusions have been reached:

1.) **The actual shooting incident occurred in a confined space.** As can be seen in the crime scene diagram below, the basement laundry room in which the incident occurred is a very small and confined space. The diagram below is the state’s representation of the scene drawn to scale, including the location of the decedent’s body, relevant evidence, as well as miscellaneous items located in the scene. The amount of clutter depicted in this diagram further illustrates how confined this space is. The decedent and Officers Durand, Peterson, Meath, and Muro were all said to be within this confined space during the incident. The SWAT Officers state that prior to the shooting the decedent was hiding behind the water heater (circle labeled WH in blue on the diagram) and that the K-9 unit held him there. When the Officers tried to remove him from behind the water heater, he assumed a “tackle” position and charged the Officers, eventually struggling with Officer Durand over the MP5 firearm in the laundry room. It is possible that the two rounds discharged by the MP5 represent an accidental or negligent discharge fired during that struggle. A situation such as this scene where you have five adult males in a small basement laundry room with several firearms being discharged in close proximity makes the use of distance determination by chemical testing necessary to confirm the presence of bullet holes or grazes and close range shots versus more distant shots. No chemical testing was allowed to be performed by the lawyers in defense of the MPD Officers. However, it is the opinion of this examiner that it is likely, based on the gunpowder pattern testing of Officer Peterson’s and Officer Meath’s firearms that the gunpowder tattooing (stippling) observed at autopsy surrounding several of the head shots of the victim were fired at close range (approximately two feet or less). Also, the two shots fired into the victim's back appear to have been fired at close range by the large amount of gunpowder particles surrounding these two gunshot holes.



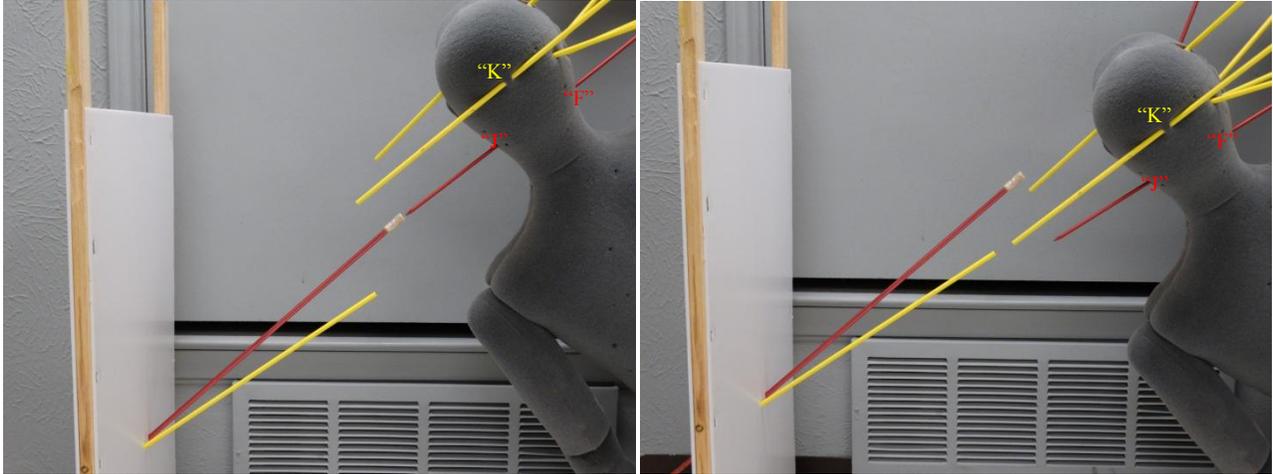
Screenshot of the State’s Scene Diagram, taken from AFL Exhibit C

2.) **The bullet paths of the two shots into the cabinet doors of the north wall of the laundry room indicate that certain of the shots to the head of the decedent were likely to be along these same bullet paths at the time that these two shots were fired.** This shooting scene is a highly dynamic incident. The bullet path angles in various directions into and through the decedent's body indicate movement of both the Officers and the decedent as he was receiving the shots. According to the autopsy there are two entry wounds (B and F) which are associated with exit wounds (I and J, respectively) on the head of the decedent, and one wound (K) that appears to be consistent with a bullet grazing across the back of his head.



NOTE: Image taken from AFL work notes, and is based on autopsy photographs. It is inserted for illustrative purposes only.

Two bullets were recovered inside of the wall cabinet of the north wall of the laundry room, one in the tray of a toolbox (AFL Item 16) and the other on the floor of the cabinet (AFL Item 15). A third bullet (AFL Item 5) was found loose and recovered during autopsy in the body bag. Because the bullet path through the skull (entry B, exit I) has significantly more resistance in comparison to the graze wound (K) and the bullet path through soft tissue of the neck (entry F, exit J), it is the opinion of this author that the bullet responsible for the perforating gunshot wound to the head (B-I) is likely the 9mm caliber bullet (AFL Item 5) that was located in the body bag. It is also likely then that the two bullets recovered in the cabinet (AFL Items 15 and 16) are responsible for the graze wound (K) and the perforating gunshot wound to the neck (F-J). This would support the theory that these two bullet paths by/through the decedent's head were one and the same bullet paths as the projectiles found in the wall where the two bullet holes are located. However, of the two bullets (AFL Items 15 and 16) it is uncertain as to which bullet is responsible for the graze wound (K) or the neck wound (F-J). Due to what I believe to be embedded bone fragments in the AFL Item 15 bullet, this examiner believes the bullet (AFL Item 15) may be responsible for the wound through the neck (F-J). Again, it is important to remember that this is not a static shooting incident. There was likely movement of the decedent during receiving the shots responsible for the graze wound (K) and the gunshot wound to the neck as shown in the image below.

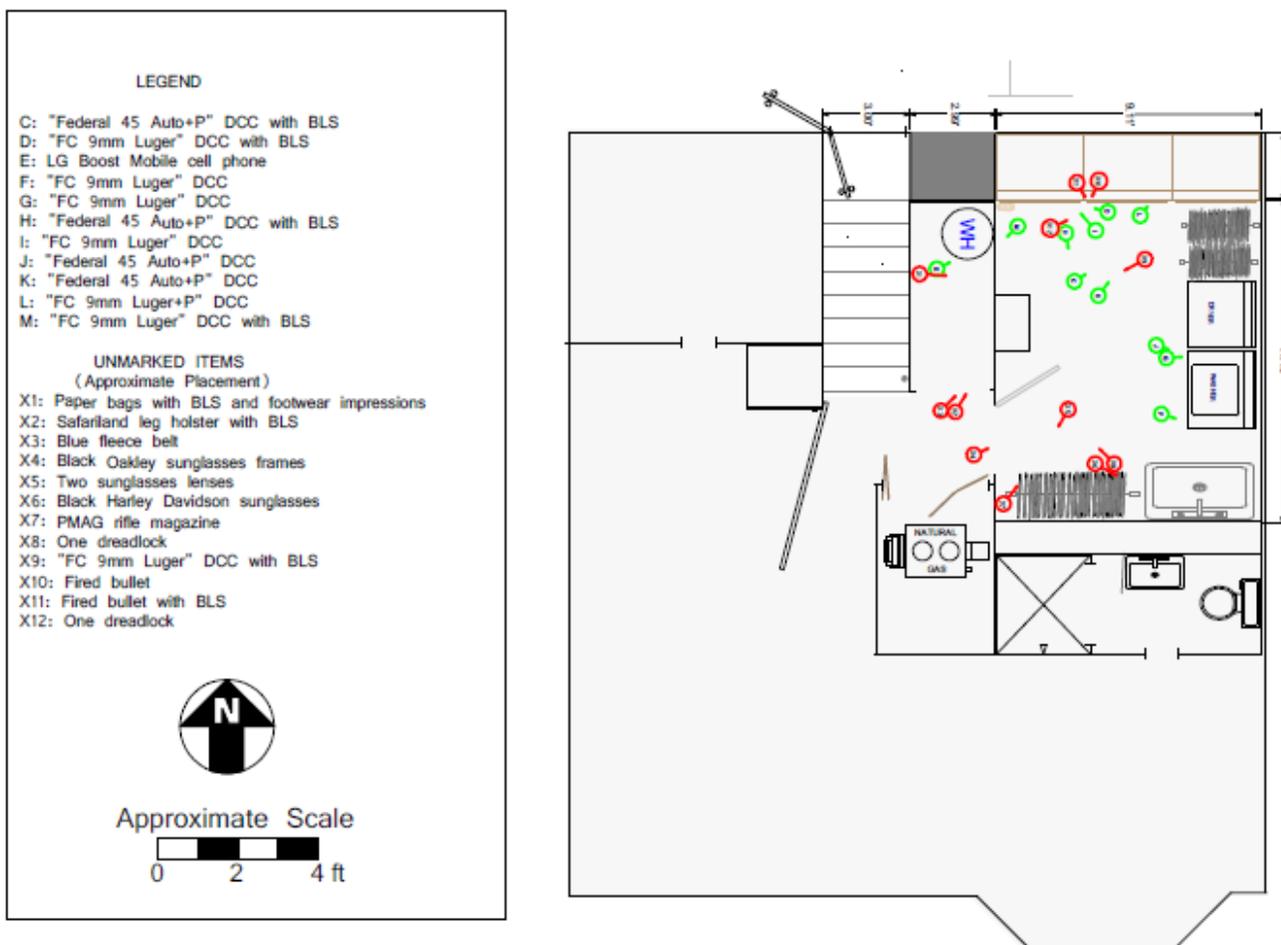


AFL Images DSC07379 and DSC07378 (respectively) illustrating the trajectories through the decedent that also struck the wall.

3.) All bullets fired into/through the decedent's body are accounted for. Of the ten (10) total shots fired into the body of the decedent, only three (3) penetrated into areas other than the head and neck. Officer Peterson's SIG 9mm pistol fired 5 shots and Officer Meath's SIG .45 Auto pistol fired 5 shots. It is the opinion of this author that it is highly likely that all ten of these shots were fired rapidly into the victim while all three individuals were at or about the same general location in the laundry room. Officer Durand's MP5 9mm submachine gun fired two shots during this shooting event, but it is not possible from the physical evidence to determine exactly when those two shots were fired. Of the 10 shots fired into the decedent, seven shots were fired into (or grazed by) the head and neck area of the victim. There were two shots fired into the back of the decedent by Officer Meath, and an additional shot fired by Officer Meath into/through the right arm going into the right shoulder area. This examiner requested and received all the fired (and some unfired) ammunition used and collected in this shooting incident. These ammunition components were carefully examined and documented in this author's laboratory. A chart was prepared of the ammunition items, and listed in the chart(s) below are the item numbers for each involved agency, where the projectile was said to be recovered from as labeled on the evidence envelope, and the associated wound tract (where possible) using the alphabetical indicators as reported in the autopsy photos and report. For quick reference, the known .45 ACP caliber projectile information has been highlighted in light red, and the known 9mm caliber projectile information in yellow. This corresponds to the trajectory rods in the photos above as placed for illustrative purposes. The final chart column is based on the identifications made by the state's examiner where applicable. It should be noted at this time that the state's examiner was unable to match any projectiles to the firearm belonging to Officer Peterson, but noted that some projectiles were "most consistent with" Peterson's weapon. At the time of the writing of this report, AFL has not received the suspect Officer's firearms or known test samples for conducting our own microscopic comparisons.

| AFL Item | ME Item | MPD Item | Recovered from | Associated Wound | Notes | MPD ID'd to: |
|-----------------|----------------|-----------------|--|---------------------------------------|---|-------------------------------|
| 1 | 1 or 6 | 35 | projectile fragments recovered from posterior neck | | Pb frags | |
| 2 | 2 | 34 | fragments from brain/dura/scalp | | Consistent with 9mm -147gr. | |
| 3 | 3 | 25 | projectile from anterior right shoulder | L | .45 caliber | Meath |
| 4 | 4 | 26 | projectile from anterior right scapula | M | .45 caliber | Meath |
| 5 | 5 | 30 | projectile - body bag | Possibly B | Consistent with 9mm caliber -147 gr. | Most consistent with Peterson |
| 6 | 1 or 6 | 36 | fragments from hair | | Pb frags | |
| 7 | 7 | 28 | projectiles from posterior brain tissue | E or G (cross wound paths) | .45 caliber | Meath |
| 8 | 7 | 29 | projectiles from posterior brain tissue | E or G (cross wound paths) | Consistent with 9mm caliber-135 gr. | Most consistent with Peterson |
| 9 | 8 | 27 | projectile from R supraclavicular tissue | N | .45 caliber | Meath |
| 10 | 9 | 32 | projectile/frags from L skull base | C | Consistent with 9mm -147 gr. | Most consistent with Peterson |
| 11 | 10 | 33 | fragment recovered from R parietal scalp | exit A (Also associated with entry B) | Consistent with 9mm -135 gr. | |
| 12 | 11 | 31 | projectile recovered from occipital scalp | Possibly D | Consistent with 9mm -147 gr. | Most consistent with Peterson |
| 13 | 12 | 37 | fragments recovered from R shoulder | | Cu/Pb frag, likely from .45 Auto | |
| 15 | | 24 | floor of closet in laundry room | Possibly F | .45 caliber, possible bone fragments embedded | Meath |
| 16 | | 23 | red toolbox organizer tray | Possibly K | Consistent with 9mm-147 gr. | Most consistent with Peterson |

4.) **All of the found cartridge case related physical evidence was recovered within the laundry room of the basement.** In reference to the fired cartridge case evidence listed below, note that all fired cartridge cases were found in the laundry room. There are 5 (five) 9mm cartridge cases from Officer Peterson's pistol. There are 4 (four) .45 auto cartridge cases from Officer Meath's pistol. One .45 auto cartridge case from Officer Meath's pistol was not recovered at the scene. And there are 2 (two) 9mm cartridge cases from Officer Durand's 9mm MP5 submachine gun. The fact that all of the recovered firearms evidence was located in the laundry room indicates that the shooting incident happened entirely in the laundry room. Just as with the bullet evidence, below is a chart of the cartridge cases with the first two columns indicating the agency item numbers, where the item was recovered from as labeled on the evidence envelope, caliber designation, and which firearm the state's examiner matched each cartridge case to. It should be noted again that as of the writing of this report, AFL has not received the incident firearms or known test samples for conducting our own microscopic comparisons.



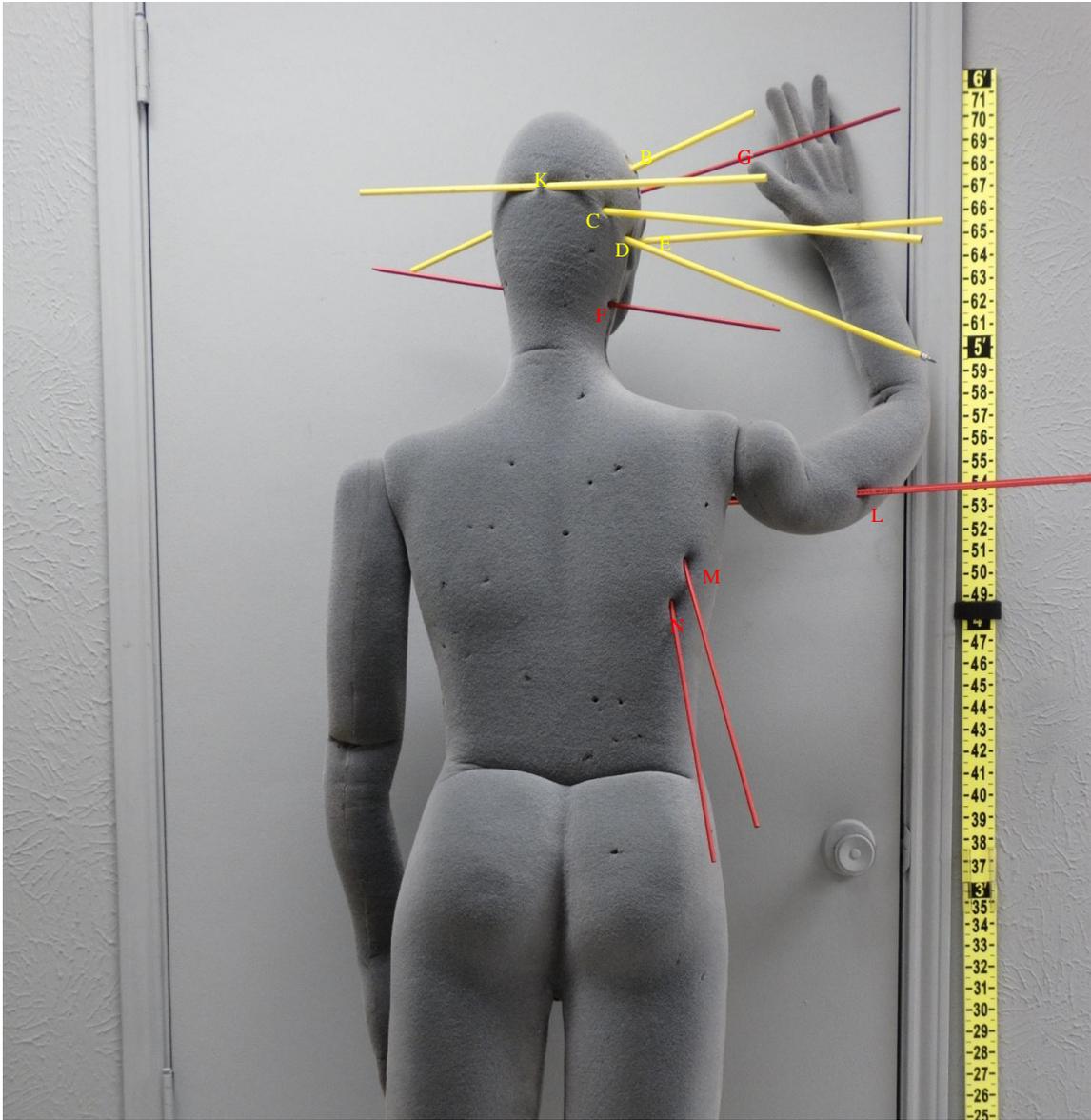
Screenshot of State's Scene Diagram showing only the evidence markers, taken from AFL Exhibit C.

| AFL Item | MPD Item | Recovered From | Item Descriptio | MPD ID'd to: |
|----------|----------|---|--|--------------|
| 17 | 19 | (EM-C) Storage bin next to tool bucket | .45 Auto caliber fired cartridge case | Meath |
| 18 | 14 | (EM-D) BLS next to decedent's head | 9mm Luger caliber fired cartridge case | Peterson |
| 19 | 12 | (EM-F) Floor in front of washing machine | 9mm Luger caliber fired cartridge case | Durand |
| 20 | 13 | (EM-G) Floor near decedent's left foot | 9mm Luger caliber fired cartridge case | Durand |
| 21 | 20 | (EM-H) Floor near vacuum | .45 Auto caliber fired cartridge case | Meath |
| 22 | 16 | (EM-I) From stack of plastic bins near North wall | 9mm Luger caliber fired cartridge case | Peterson |
| 23 | 21 | (EM-J) From floor near decedent's left foot | .45 Auto caliber fired cartridge case | Meath |
| 24 | 22 | (EM-K) floor near decedent's back | .45 Auto caliber fired cartridge case | Meath |
| 25 | 15 | (EM-L) pocket of wall organizer on North wall | 9mm Luger caliber fired cartridge case | Peterson |
| 26 | 17 | (EM-M) Floor under ladder along West wall | 9mm Luger caliber fired cartridge case | Peterson |
| 27 | 18 | Floor under decedent (no EM number) | 9mm Luger caliber fired cartridge case | Peterson |

5.) All ten bullet paths (penetrations, perforations and a bullet graze) are accounted for.

The illustration below was prepared in the author's laboratory based on the autopsy descriptions of the various wounds paired with the findings from the projectile evidence. This depiction of the wounds associated with the decedent's body is not to scale, and it is intended for illustration purposes only. The yellow trajectory rods denote the 9mm bullet paths associated with Officer Peterson's five shots. The red trajectory rods denote the .45 auto shots associated with Officer Meath's five shots. As can be seen in this illustration, all the head and neck shots (seven total) are generally directed from the victim's right side toward the victim's left side. The arm shot (autopsy "L") is a close range shot into the arm which travels into the shoulder area. The two shots into the back are at an angle which could represent that the victim was either bent over when receiving these two shots or he was in a prone position when receiving these two shots. Examination of the victim's t-shirt indicates these were close range shots. All 5 (five) of Officer Peterson's shots were directed

into the head of the decedent with one projectile grazing by the back of the head. It appears likely that all of these shots were fired at close range due to the presence of gunpowder tattooing (stippling) on several of the shots. It is my opinion that on the shots where stippling is not seen it is likely due to the sifting action of the hair covering those gunshot entry holes. Officer Meath fired one penetrating shot into the victim's head at wound "G" and another perforating gunshot through the neck at gunshot wound "F". Less clear are the AFL Items 7 and 8 projectiles (autopsy letters E or G). In both the autopsy report and the evidence envelopes, they are marked as having been recovered from the same area. The autopsy report stated that due to the converging wound paths, it was unclear which bullet is associated with which wound path. Being that they are different calibers and given the dynamics of the incident, it is not possible to say for certain which projectile caused which wound tract. The image below illustrates all of the bullet trajectories using a ballistics mannequin. Again, note that this is only for illustrative purposes as the mannequin is not necessarily of the same build as the decedent.



AFL Image DSC07372 illustrating the trajectory rods through/into the victim according to the autopsy.

6.) Two (2) rounds were fired from Officer Durand's MP5 submachine gun into Officer Meath and Officer Muro.

As regards the two shots fired from Officer Durand's MP5, the two fired cartridge cases were also found in the laundry room, and there were no gunpowder particles seen on the pants of Officers Meath or Muro. Officer Meath's pants revealed a possible bullet graze to the right pocket area, but since no chemical testing of this clothing was allowed, this possible bullet graze could not be confirmed as associated with a bullet. If this was a bullet graze then Officer Muro would have likely been standing upright and slightly askew behind Officer Meath when struck by the bullet which grazed by Officer Meath. As mentioned previously, it is possible that Officer Durand accidentally or negligently discharged his MP5 during this shooting event. That said, it can neither be proven or disproven from the physical evidence whether an accidental discharge happened or not. It was noted during range testing that this firearm failed to feed properly and/or failed to fire at least two times. It is also noted in his deposition that Officer Durand made a modification to the stock. Therefore, it is highly suggested that this author be allowed to examine this firearm in detail in the author's laboratory to determine if indeed there is some manufacturing defect, worn or broken part(s) or mechanical problem which would allow for an accidental or negligent discharge to occur.

7.) The firearms related physical evidence in this case cannot provide a timeline or sequence of shots for the shots fired during this incident.

It was inquired of this author whether or not the firearms related physical evidence could establish a timeline of events during this shooting incident. It is the opinion of this author that the firearms related physical evidence cannot either prove or disprove a time gap or timeline for the sequence of the shots fired in this incident.

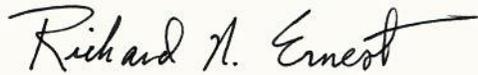
8.) This author has been asked whether this shooting scene represents an "execution" of the decedent or not.

It was inquired of this author whether the victim was "executed" or not. The large number of shots into the head of the decedent goes to the mindset of the Officers involved in this shooting, and such topics as the mindset or intention of the shooter are outside my area of expertise. It is, of course, within the realm of possibility that the decedent was executed as retaliation for non-compliance, or for injuring the two officers during this event, or for causing an accidental or negligent discharge to happen in which officers were injured (or for other various unknown reasons), but the firearms related physical evidence cannot answer whether any of those scenarios actually happened or not.

The opinions stated above are the opinions developed by the author of this report based upon the documentation and evidence provided to the author at the time of the writing of this report. If new or other evidence should come to light, it may or may not have an influence on the opinions expressed in this report depending on the nature of the evidence. I reserve the right to amend this report if new or other evidence should come to light.

I have included for submission with this report a current copy of my full Resume (long form) which contains my publications, and a courts & testimonies list. A copy of my Employment Contract/Rate Sheet is provided, and an invoice has not been submitted at the time of the writing of this report; however, additional funding will be required for subsequent work and/or court appearances.

Respectfully Submitted,

A handwritten signature in black ink on a light yellow background. The signature reads "Richard N. Ernest" in a cursive script.

Richard N. Ernest
Forensic Consultant