



Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report



2024-2255

Officer Involved Critical Incident – 818 Cherryberry Dr.,
Columbus, OH 43228 (L)

Investigative Activity: Body Camera Review

Involves: [REDACTED] Sergeant Michael Wilgus (W), Officer James Morrow (W)

Date of Activity: 10/23/2024

Activity Location: – 818 Cherry Berry Drive, Columbus, OH

Author: SA Aja Chung, #86

Narrative:

On Monday, August 1, 2024, The Ohio Bureau of Criminal Investigation (BCI) was requested by the Columbus Division of Police (CPD) for assistance in investigating an Officer-Involved Critical Incident (OICI) at 818 Cherryberry Drive, Columbus, Ohio. The incident stemmed from a domestic dispute involving Benjamin Wheeler (Wheeler), who had an active felony warrant for child support. Wheeler barricaded himself inside his residence and CPD SWAT (Special Weapons and Tactics) responded to the barricade situation. After hours of unsuccessful negotiation and multiple non-lethal tactics attempts, CPD SWAT entered the residence to arrest Wheeler. An incident between Wheeler and SWAT officers ensued resulting in Wheeler's death.

On October 23, 2024, and multiple days following, BCI Special Agent (SA) Aja Chung (SA Chung) reviewed video footage recordings that were provided by CPD and are digitally saved via Evidence.com. Please review the video footage in its entirety for specific details.

This report documents the helmet footage from CPD [REDACTED] James Morrow (Ofc. Morrow) and Sergeant (Sgt.) Michael Wilgus (Sgt. Wilgus). SA Chung rotated the view to be right side up, causing the Axon information attached to the video to be upside down.

SA Chung reviewed the video from CPD [REDACTED] The following was noted within the case folder, Direct Involved, Helmet, "AXON Flex 2 Video 2024-08-01 1842".

- The footage was two hours and fifty-seven minutes long and began with [REDACTED] standing outside BearCat 2 at 818 Cherryberry Drive.
- Commanding orders were heard being given to Wheeler over the loudspeaker. [REDACTED] statements made throughout this footage mirror the statements on his body

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worn camera.

- CPD Officer Robert Vass (Ofc. Vass) and the negotiator were heard ordering Wheeler to come out of the house with nothing in his hands, amongst other orders, for the first fifty-five minutes of the footage.
- At the fifty-five minute mark, the ram attached to BearCat 1 was heard breaching the front door.
- At the 57:26 minute mark, [REDACTED] and four SWAT officers approach the front door.
- A knife can be seen coming from inside the front door towards the SWAT officers.



- [REDACTED] with a taser in his right hand, can be seen quickly moving back and away from the front door.
- Blood was observed on his right arm and the rest of the SWAT officers were observed fall back immediately to the BearCats.
- CS gas (gas canisters) and knockers were heard being deployed into the house for the next seventy minutes. (CS gas is a form of non-lethal aerosol gas that is dispersed by a grenade. Knockers are non-metal bullets used to subdue subjects without causing injury.)
- At the 1:43:45 hour mark, [REDACTED] was seen approaching a front window with his bunker while SWAT officers were observed throwing gas canisters into the front door.
- Commands and announcements continued for the following thirty minutes.
- At the 2:13:00 hour mark, the BearCat 1 ram was observed moving and rearranging furniture near the front door.
- More commands and announcements were heard being made until deputies from the Franklin County Sheriff's Office (FCSO) drone team arrives to the scene.

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- A first drone was seen deployed and knocked out of flight by Wheeler. Nothing was recorded with the first drone.
- At the 2:39:45 hour mark, the second drone was seen flying towards the front door.
- [REDACTED] was seen approaching the front door with three other SWAT officers in front of him.
- SWAT officers were seen making entry through the front door.
- A SWAT officer was seen throwing a flash grenade into the kitchen and observed to detonate.
- At the 2:41:56 hour mark, Wheeler appeared from behind the kitchen wall holding a knife.
- At the 2:42:00 hour mark, Wheeler was seen lunging towards SWAT officers, still holding a large knife.



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- [REDACTED] was seen and heard firing his pistol five times towards Wheeler, and [REDACTED] simultaneously falls to the floor.

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- Wheeler's screams were heard and he was seen retreating towards the basement.
- SWAT officers were observed climbing over the couch and entering into the kitchen.
- [REDACTED] was observed to stand up and talk to another SWAT officer who was inside the kitchen. A gas canister (sometimes referred to as a tri-chamber) was heard being requested.
- [REDACTED] was heard asking for a gas canister, and later the throw-bot.
- [REDACTED] was heard telling Wheeler's position inside and that [REDACTED] discharged his weapon.
- [REDACTED] was seen standing in the kitchen with other SWAT officers who were heard attempting to make contact with Wheeler in the basement.
- [REDACTED] was seen exiting the house at 2:50:43 hour mark and nothing of evidentiary value occurred after that.

SA Chung reviewed the video from CPD Ofc. Morrow's helmet. The following was noted within the case folder, Direct Involved, Helmet, "AXON Flex 2 Video 2024-08-01 1944".

- The video was 2:04:14 hours long and began with Ofc. Morrow standing on the west side of 818 Cherryberry Drive and in the backyard of 812 Cherryberry Drive.
- The SWAT BearCats can be seen parked on the front lawn.
- For 1:40:00 hour, the negotiator was heard giving Wheeler commands to exit the house, CS gas and knockers were seen and heard being deployed into the house.
- Intermittent radio traffic between SWAT officers was heard.
- At the 1:41:00 hour mark, Ofc. Morrow repositioned himself behind a parked truck at

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- 812 Cherryberry Drive.
- At the 1:54:27 hour mark, SWAT officers were seen entering the house through the front door.
 - Ofc. Morrow maintained his position on the west side of the house.
 - At the 1:59:54 hour mark, a SWAT officer was heard saying Wheeler was in the basement and Ofc. Vass could be seen walking to the front door of the house.
 - Ofc. Morrow repositioned closer to the southwest basement window and spoke to SWAT officers.
 - Nothing of investigative value occurred after the 2:01:00 hour mark.

SA Chung reviewed the video from CPD Sgt. Wilgus' helmet. The following was noted within the case folder, Direct Involved, Helmet, "AXON Flex 2 Video 2024-08-01 2121".

- The video was 35:10 minutes long and began with Sgt. Wilgus standing behind BearCat 1 as SWAT officers were heard saying, "knockers" and a bunker.
- The negotiator was heard giving Wheeler commands to exit the house, amongst other orders.
- Throughout the video, Sgt. Wilgus was heard providing updates (entry into the house, requesting technology, shots fired) over his radio.
- At the 1:40 minute mark, SWAT officers were seen getting into line formation on the passenger side of BearCat 1. Knockers were heard and seen being deployed into the house.
- At the 2:02 minute mark, Sgt. Wilgus was heard giving the command, "Let's go" and SWAT officers were seen moving forward to make entry into the house.
- As the team made entry, the flow or pace of advancement inside came to a stop.
- At the 2:36 minute mark, SWAT officers have already entered the residence and a taser was heard being deployed.
- A flash grenade was heard and seen detonating as Sgt. Wilgus was still on the front porch.
- At the 3:14 minute mark, a flash grenade was heard and seen detonating.
- Sgt. Wilgus was observed to look up when a flashbang detonated.
- At the 3:19 minutes mark, five gunshots were heard. [REDACTED] was not observed at that time.
- At 3:24 minute mark, [REDACTED] came into view with his right arm extended with his pistol aimed towards the kitchen.



- For approximately twenty minutes, SWAT officers were heard attempting to make contact with Wheeler. Wheeler's position was observed with a pole camera.
- At the 21:45 minute mark, Sgt. Wilgus remained in the kitchen and was heard saying over the radio that entry into the basement was made.
- At the 24:02 minute mark, medics were seen entering the residence.
- Sgt. Wilgus was also heard requesting medics over the radio.
- Sgt. Wilgus was seen exiting the residence at the 32:42-minute mark and nothing of investigatory value occurred after that time.

References:

C – CPD body-worn camera (Evidence.com)

Attachments:

Attachment # 01: 1- [REDACTED] helmet
Attachment # 02: 2- [REDACTED] helmet
Attachment # 03: 3- [REDACTED] helmet
Attachment # 04: 4- [REDACTED] helmet
Attachment # 05: 1-Wilgus helmet

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2024-08-01 12:38:05Z
AXON FLEX 2 X83134820

00:57:26 / 02:57:43 0.5X





2024-08-02 10:22:35Z
AXON FLEX 2 X83134820



Viewed by AChung (OhioAG.evidence.com) on 23 Oct 2024



2024-08-02 T01:22:39Z
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2024-08-02 10:22:39Z
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2024-08-02 T01:22:35Z
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03:24 / 35:10 1X

