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19<sup>TH</sup> JUDICIAL DISTRICT ATTORNEY  
PARISH OF EAST BATON ROUGE

## ***IN RE: BRANDON WILEY***

The final report of the circumstances, the investigation, and the determination of criminal responsibility for the officer involved death of Brandon Wiley on March 18, 2017.

**ISSUED March 9, 2018**

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## I. INTRODUCTION

### A. Role of the District Attorney

Under the Louisiana Constitution, the District Attorney is designated the Chief Prosecuting Officer in charge of every criminal prosecution in his district. He has the power to bring any state criminal charge and the power to dismiss any state criminal charge. He is assisted in his efforts by the Grand Jury which also exercises independent constitutional authority. Louisiana law requires the District Attorney to bring to the Grand Jury all charges whenever the District Attorney determines he needs to seek a life or death sentence. In Louisiana, only the Grand Jury may return an indictment for first or second degree murder in the event of an intentional and unjustified taking of a human life. Before the District Attorney may bring any charge before the Grand Jury, he must legally determine that he has sufficient evidence to warrant a conviction by trial where the standard of proof will be “beyond any reasonable doubt.”

For many years, the District Attorney has worked closely with local law enforcement agencies to address officer involved deaths. Local law enforcement agencies employ protocols that require immediate reporting to the District Attorney of any officer involved death and require the participation of the District Attorney in all stages of an investigation into the criminal responsibility for an officer involved death.

The role of the District Attorney in these investigations and in conducting this review is limited to determining whether a criminal violation of Louisiana law has occurred, whether any living person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The District Attorney does not establish law enforcement agency policy, procedures, and training requirements. The District Attorney does not have any responsibility for determining disciplinary action or pursuing civil litigation in these matters.

## B. Summary

On Saturday, March 18, 2017, an East Baton Rouge Sheriff's Office (EBRSO) detective was investigating a complaint filed against Brandon Wiley alleging that he had raped a fifteen year old female. Sergeant (Sgt.) Shawn Anderson accompanied the detective to Wiley's place of employment. As they approached Classic Cuts and Hair Care on O'Neal Lane, they observed Wiley inside the salon actively tattooing a juvenile female. The detective approached Wiley and persuaded him to go with the law enforcement officers to discuss the rape allegation. As Sgt. Anderson approached Wiley and began to pat him down for safety purposes, the detective observed a gun on Wiley's hip and yelled out, "Gun!" Sgt. Anderson and Wiley began to struggle over control of the gun. Wiley fired three times, striking Sgt. Anderson twice, and then turned and fired at the detective. The detective moved to shield the juvenile female and returned fire at Wiley, striking him three times. After Wiley fell to the ground, the detective attempted to take possession of the gun, which was underneath Wiley. Wiley resisted and grabbed the detective's arm. The detective fired another shot into Wiley in order to get Wiley to release his arm. The detective was then able to seize Wiley's gun, handcuff Wiley, and radio that shots were fired and an officer was down. EMS arrived on scene and transported Sgt. Anderson and Wiley, who both later succumbed to their injuries. Louisiana State Police was called to handle the deputy involved shooting investigation, per EBRSO protocols. There is no video from dash cameras relating to this incident. Furthermore, EBRSO does not use body cameras. Ultimately, there is no video of this incident known to law enforcement.

## C. Deaths of Sgt. Shawn Anderson and Brandon Wiley

On Saturday, March 18, 2017, an East Baton Rouge Sheriff's Office (EBRSO) detective began investigating a rape allegation; Brandon Wiley was the named suspect. After extensively interviewing the juvenile victim,

the investigating detective, Detective 1, determined it was necessary to find Wiley in order to speak with him about the allegation. Detective 1 proceeded to Wiley's place of employment and located Wiley's [vehicle](#) parked outside [Classic Cuts and Hair Care \(Classic Cuts\)](#), despite the fact that the salon was supposed to be closed for the evening. The salon is located in the strip mall next to the AMC movie theater on [O'Neal Lane](#). Detective 1 observed Wiley inside the salon; at 10:41 p.m., Detective 1 [radioed](#) a request for Uniform Patrol assistance to take Wiley into custody to be interviewed. Detective 1 needed a Uniform Patrol deputy to meet him at the Waffle House in front of the AMC Theater to be briefed on the investigation. Sergeant (Sgt.) Shawn Anderson responded via radio that he was on his way to meet Detective 1. After Sgt. Anderson arrived at the Waffle House parking lot, Detective 1 informed him that Wiley was wanted for questioning concerning the [rape](#) of a fifteen year old juvenile female.

As Detective 1 and Sgt. Anderson approached [Classic Cuts](#), they saw Wiley tattooing a juvenile female who was sitting in a [chair](#) to the left of Wiley. Once inside the salon, Detective 1 and Sgt. Anderson identified themselves as an EBRSO detective and deputy. While Sgt. Anderson was in full EBRSO uniform, Detective 1 was in plain clothes with his badge and gun on his right hip. Neither Detective 1 nor Sgt. Anderson was wearing a ballistic vest. Detective 1 asked Wiley to step outside so he could speak with him. Wiley questioned Detective 1 as to the reason they wanted to talk to him. Detective 1 explained that it was not an appropriate conversation to have in front of the juvenile female and again asked Wiley to step outside so they could go to Detective 1's office and talk. At this point, the juvenile female [moved](#) to a chair that faced the window near the [front](#) of the salon. Wiley stated that he would go with the detective and began to place his [tattooing supplies](#) into his black [backpack](#). Wiley then stopped packing his supplies and asked if he could finish tattooing the

juvenile female. Detective 1 told Wiley that he was not allowed to finish the tattoo on the juvenile. Wiley again asked why the detective wanted to talk to him. Detective 1 elaborated that they needed to discuss a sexual assault complaint filed against Wiley; Detective 1 also clarified that Wiley was breaking the law by tattooing a minor without parental consent. Sgt. Anderson asked Wiley if there was anyone else in the building and then began to check the back of the salon. Wiley replied that there was no one else in the building. Detective 1 asked Wiley if there was any video surveillance and Wiley responded that there were cameras in the back of the salon.

Detective 1 stepped to the front of Classic Cuts, near the front desk, to make a phone call. At 10:51 p.m., Detective 1 called another detective, Detective 2, to request assistance with the investigation. Detective 1 needed Detective 2 to come to their location to assist in gathering evidence for the rape investigation. While Detective 1 was on the phone, Sgt. Anderson walked over to Wiley's left side and started to pat him down for safety purposes. Detective 1, while still on the phone, was monitoring Sgt. Anderson pat down Wiley when he observed a [gun](#) on Wiley's right hip, concealed by his [jacket](#). Detective 1 screamed "Gun!" to alert Sgt. Anderson that Wiley had a weapon. As Detective 1 was yelling, Wiley removed his Glock 23, 40 caliber pistol from his [holster](#). As Wiley brought the gun forward and upward, Sgt. Anderson, in an attempt to secure the gun, wrapped his left arm around Wiley's forearm, bringing Wiley's wrist and forearm under Sgt. Anderson's left armpit and thereby immobilizing the arm and gun. Wiley attempted to regain control of the gun, causing Sgt. Anderson and Wiley to travel across the room toward the center of the salon.

As Sgt. Anderson and Wiley were struggling over control of the gun, Wiley fired several shots. Two of those shots struck Sgt. Anderson

causing him to fall to the ground. One bullet grazed Sgt. Anderson's left upper back. The other bullet entered Sgt. Anderson's upper back, above his left armpit, at the junction of the back and arm, above the graze wound. Due to the struggle, Sgt. Anderson was unable to unholster his weapon and return fire. Upon observing Wiley's gun, Detective 1 dropped his cell phone and drew his weapon. Detective 1 moved around the chairs that were in the front of the salon, near where the juvenile female was sitting, to shield her from Wiley. Wiley then turned and fired at Detective 1, missing the detective and the juvenile, but striking the [window](#) directly behind them. Fearing for his life and the life of the juvenile female, Detective 1 fired three rounds from his department issued 40 caliber, [Glock 22 pistol](#) at Wiley.

After being struck in the abdomen, right hand, and right arm, Wiley fell prone to the ground near Sgt. Anderson. Detective 1 advanced towards Wiley and began searching for Wiley's [gun](#), but it was not visible to him. Detective 1 positioned himself on top of Wiley, holstered his weapon, and using his left hand, began to reach under Wiley in search of the weapon. Detective 1 felt the weapon under Wiley and tried to secure it; however, Wiley grabbed Detective 1's left arm. Detective 1 then drew his weapon and fired one round into Wiley causing him to release Detective 1's left arm. Detective 1 grabbed Wiley's gun and slid it across the room, out of Wiley's reach. After moving the gun, Detective 1 stood and holstered his weapon. Detective 1 removed handcuffs from Sgt. Anderson's belt and handcuffed Wiley.

At 10:54 p.m., Detective 1 radioed that [shots were fired](#) and an officer was down. Detective 1 began cardiopulmonary resuscitation (CPR) on Sgt. Anderson, who had stopped verbally responding to Detective 1. While performing CPR, Detective 1 told the juvenile female to [call 911](#) and flag down the police officers responding to the scene. Detective 2,

who was listening over Detective 1's open cell phone line, heard Detective 1 tell Sgt. Anderson: "Breathe, Shawn! Breathe!" He also heard Detective 1 give the juvenile female instructions to call 911. The juvenile female called 911 and reported that an officer had been shot; however, she did not see what happened because she was facing the other direction.

The first deputy on scene, Deputy 1, was working an extra duty detail at the Walmart on O'Neal Lane when another deputy alerted him about the shooting. Deputy 1 did not hear the radio communication about an officer being down because he was inside Walmart at the time. After being alerted by his coworker, Deputy 1 immediately left his detail and responded to the scene at Classic Cuts. The juvenile female, while still on the phone with 911, flagged down Deputy 1 and told him where the injured deputy was located. Upon entry into the salon, Deputy 1 observed Detective 1 leaning over Sgt. Anderson; Wiley was handcuffed and lying on the ground directly next to Sgt. Anderson. The three men were located toward the rear of the salon, near the doorway leading to the back room. Detective 1 asked Deputy 1 to move Wiley so EMS could have room to work on Sgt. Anderson. Deputy 1 dragged Wiley approximately three feet away from Sgt. Anderson. Deputy 1 assessed Wiley for injuries and saw blood, but did not note any visible wounds. Wiley told Deputy 1 he was having trouble breathing and Deputy 1 advised that Emergency Medical Services (EMS) was on the way. EMS arrived approximately three minutes later at 11:01 p.m.

The first EMS ambulance that arrived on scene began rendering aid to Sgt. Anderson as his wounds were more critical. EMS took over CPR, started an intravenous (IV) bag, and transported Sgt. Anderson to Ochsner Medical Center, where he succumbed to his injuries.



Baton Rouge Fire Department (BRFD) arrived on scene and began rendering aid to Wiley. BRFD firefighters heard Wiley say that he could not breathe, his handcuffs were too tight, and the whole incident was captured on camera. Additionally, Wiley kept trying to get up while the firefighters were trying to stop Wiley's bleeding. Moments later, a second EMS ambulance arrived and took over Wiley's care. An EBRSO deputy on scene removed the handcuff from Wiley's left hand and attached it to the stretcher so EMS could render aid to Wiley. EMS transported Wiley to Our Lady of the Lake Regional Medical Center, where he later succumbed to his injuries. Investigators immediately recovered Wiley's clothes from the hospital for evidentiary purposes. Wiley's [shirt](#) pocket contained multiple items, including a printout from the website, [www.suicide.org](http://www.suicide.org), entitled "[Suicide by Cop.](#)" The printout gave examples of individuals who had put themselves in a position where a police officer was forced to shoot them.

Louisiana State Police (LSP) was called to conduct a deputy involved shooting investigation per EBRSO's protocols. LSP detectives obtained search warrants for the Classic Cuts salon as well as Wiley's vehicle, electronics, and email address. Simultaneously, Louisiana State Police Crime Laboratory (Crime Lab) forensic scientists arrived on scene and began processing the salon. They located [eight cartridge casings](#), and later determined that four were fired from Detective 1's 40 caliber, [Glock 22](#) and four were fired from Wiley's 40 caliber, [Glock 23](#). They found Wiley's [weapon](#) in the rear area of the salon.

Crime Lab personnel also recovered a [D-Link DCS 933L](#) wireless camera from the scene. LSP's [Technical Support Officers \(TSO\)](#) reviewed the D-Link camera's user manual and were able to determine that the DCS-933L is a standalone surveillance camera that does not record on the device. Their report determined that "this camera is mydlink-enabled, which

means it can be viewed and managed through the mydlink website, or through the mydlink mobile app for iOS and Android.” TSO 1 learned that the D-Link account could be accessed through username and password. After obtaining Wiley’s username and password from his wife, TSO 1 observed that the only setting enabled was “motion notification.” Per TSO 1, “This feature sends a text message notifying that the camera has detected motion and provides a hyperlink which takes you to live viewing of the camera.” Additionally, there was no D-Link storage account enabled for saving video files. TSO 1 verified this information through D-Link’s Technical Support. Therefore, despite Wiley’s statements that the incident was recorded, there is no known footage of the shooting.

The East Baton Rouge Coroner’s Office performed the autopsies on Sgt. Anderson and Wiley. The forensic pathologist listed the manner of death for Sgt. Anderson as a homicide, meaning that the death was caused intentionally by another person. Sgt. Anderson’s [autopsy report](#) concluded that he died as the result of a gunshot wound to the trunk. Although Sgt. Anderson was not wearing a ballistic vest when Wiley shot him, a vest would not have protected him from this fatal wound. The autopsy report also listed one graze wound of the upper left back. One bullet was recovered from beneath Sgt. Anderson’s body during removal of the clothing in preparation for autopsy. Louisiana State Police (LSP) forensic scientists later determined that the bullet that exited Sgt. Anderson’s back was fired from Wiley’s gun while it was pressed against Sgt. Anderson’s uniform. As per the Coroner’s Office standard protocol, NMS Labs conducted the toxicology analyses. Sgt. Anderson’s [toxicology report](#) concluded that no drugs or alcohol were in his system

The forensic pathologist also listed the manner of death for Wiley as a homicide, meaning that the death was caused intentionally by another

person. Wiley's [autopsy report](#) concluded that he died of multiple gunshot wounds. The report listed four gunshot wounds. Wiley had two gunshot wounds to the trunk, one to the right hand, and one to the right upper arm. Wiley's [toxicology report](#) also concluded that no drugs or alcohol were in his system.

LSP's investigation did not reveal anything which constituted probable cause for criminal charges against Detective 1.

During the investigation, East Baton Rouge District Attorney Hillar C. Moore, III, one Assistant District Attorney, and three District Attorney Investigators responded to the scene and observed every critical step in the investigation, including the subsequent interviews of the deputies involved.

## II. OTHER MATTERS CONSIDERED

### A. Rape Allegation Against Brandon Wiley

Brandon Wiley was under [investigation](#) for the rape of a fifteen year old juvenile female. On March 13, 2017, EBRSO responded to a local hospital in reference to a sexual assault complaint involving a juvenile female victim. The victim's mother told detectives that Wiley raped her daughter the previous night; however, the daughter did not tell her mother until the next day. The mother provided detectives with the Classic Cuts Hair Care business card that Wiley gave her daughter. Detectives scheduled a meeting for late afternoon, on Friday, March 17, 2017, to interview the juvenile female at the Baton Rouge Children's Advocacy Center. During the interview, the juvenile disclosed details of the rape but would not identify the rapist. Detectives created a six person line-up for the juvenile to view and requested to meet with the mother and juvenile the next day. At approximately 8:00 p.m. on Saturday, March 18, 2017, the lead detective on the case, Detective 1, met with the mother and juvenile. Upon viewing the six person line-up, the juvenile identified Wiley as the rapist. The juvenile disclosed that she befriended Wiley and his wife at a local library in the beginning of February, 2017. The juvenile said she had texted Wiley and his wife approximately twice per week since they met. Wiley later tattooed the juvenile on two separate occasions in the library's parking lot, without parental consent. On Sunday, March 12, 2017, the juvenile contacted Wiley and stated she wanted another tattoo. Wiley agreed to pick up the juvenile and drive her to the salon where he worked, Classic Cuts and Hair Care. Wiley then gave the juvenile her third illegal tattoo. After Wiley finished tattooing the juvenile, she went to the restroom. According to the juvenile, Wiley grabbed her as she exited the restroom; he removed her belt and used it to tie her hands behind her back. Wiley then pushed her down over a counter, pulled down her pants and underwear, and penetrated her from behind without her consent. A short

time later, Wiley pulled up his pants and told the juvenile, "Let's go." Wiley then dropped the juvenile off near her home. The juvenile did not immediately report the rape to her mother because she was afraid and did not want to have to testify in court about what Riley did to her. After meeting with the juvenile and her mother, Detective 1 went to Classic Cuts and Hair Care in search of Wiley. After confirming that Wiley and his vehicle were at the salon, Detective 1 radioed for Uniform Patrol assistance to take Wiley into custody. The deputy involved shooting ensued.

#### B. Brandon Wiley's Mental Health

While Wiley's mental health issues were unknown to the deputies at the time of the shooting, it is relevant to understanding the events that occurred on March 18, 2017. According to family members, Wiley suffered from bipolar II disorder and schizophrenia. Additionally, family members said Wiley suffered from post-traumatic stress disorder due to his time in jail.

At the time of the shooting, Wiley had a [printout](#) from [www.suicide.org](http://www.suicide.org) dated February 26, 2017 in his jacket pocket. A family member confirmed that it was not unusual for Wiley to print articles that interested him while he was at the local library. The subject matter of this printout was suicide by cop. The first paragraph of the printout reads, "Suicide by cop occurs when people want to die but do not want to kill themselves. So they put themselves in a position where a police officer is forced to shoot them."

### III. STATEMENT OF LAW

#### A. Murder

Under Louisiana law, the intentional killing of another human being is defined as Second Degree Murder and is punishable by a mandatory sentence of life in prison. When this murder occurs during the perpetration of another crime, such as an armed robbery; against special classes of persons, such as children or the elderly; or involves the killing of more than one person; then the murder is defined as a First Degree Murder that can be punished by a sentence of death. If the District Attorney seeks to prosecute either of these crimes, he is required to bring them before a Grand Jury for indictment. [LA CCRP 437](#)

#### B. Justification

Louisiana law provides each citizen with the right to defend themselves and to “meet force with force,” including deadly force to meet deadly force. This right to use deadly force, however, is limited only to circumstances in which human life is endangered. Deadly force may not be used to protect things and property. Police officers, just like any other citizen, are entitled to use deadly force when their life or the life of another citizen is threatened. [LA R.S. 14:20](#)

#### C. Retreat

The laws of Louisiana do not require any citizen to retreat when faced with deadly force. [LA R.S. 14:20](#)

#### D. Grand Jury

Since the founding of the United States, the Grand Jury has been a vital part of the many checks and balances in our criminal justice system. It is comprised of 12 citizens who sit for approximately six month terms evaluating whether certain cases, particularly murder cases, proceed to

trial. They examine all evidence in secret primarily for two reasons: to protect those testifying from others who have not yet been arrested, and to protect the reputations of those against whom criminal charges may not be brought. To serve as a check on all, the Grand Jury is an independent constitutional body that is independent from the courts, law enforcement, and the District Attorney. The District Attorney is designated as only a legal advisor to the Grand Jury, is required to be present at all proceedings before the Grand Jury, but is excluded from the Grand Jury's deliberations as they decide their verdict. The Grand Jury can return any one of three verdicts: A True Bill of Indictment (authorizing criminal charges), A Not A True Bill of Indictment (declining criminal charges), and A Pretermitted Matter. [LA CCRP 444](#) A Pretermitted Matter means that the Grand Jury members were unable to reach a sufficient consensus (9 out of 12 votes) to render a verdict.

E. District Attorney

The District Attorney presents murder cases to the Grand Jury. In doing so, he is bound legally and ethically by certain standards. First, he must determine that the evidence he has to present “if unexplained and uncontradicted, warrants a conviction.” [LA CCRP 443](#) Second, under the Rules of Professional Conduct required of all prosecutors (Rule 3.8), he is required to “refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause.” [Rule 3.8](#)

#### IV. DISCUSSION

##### A. Issues

Whether any person may be held criminally responsible for the death of Brandon Wiley?

##### B. Application of Law

The death of any human being is a tragedy that all persons are legally required to avoid. When laws are broken and a death occurs, law enforcement agencies are called to respond and investigate the circumstances of the death and forward their reports to the District Attorney to determine whether any person is criminally responsible. When law enforcement is responsible for the death, they must immediately report the death to the District Attorney who will join them in all critical stages of the investigation. This is one of the most serious responsibilities of the District Attorney.

Second degree murder is the killing of a human being when the offender has a specific intent to kill or to inflict great bodily harm. [LA R.S. 14.30.1](#) A second degree murder is legally justified when committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself or another from that danger. [LA R.S. 14:20](#)

For a law enforcement officer, as with any other citizen, the law provides that the use of force must be reasonable. The United States Supreme Court specifically requires that the “reasonableness” of force by an officer be judged from the perspective of an officer at the scene, rather than judged with the benefit of hindsight. [Graham v. Connor](#), 490 U.S. 389 (1989).



C. Analysis

The evidence reviewed by the District Attorney, attached and made part of this report, substantiates that Brandon Wiley was killed at the hands of others, specifically an East Baton Rouge Sheriff's Office deputy. This same evidence also demonstrates that his actions were justified. Specifically, this deputy was placed in an extremely dangerous situation and feared for his own life as well as the life of the juvenile female. When faced with deadly force to themselves and others, no reasonable person, including other law enforcement officers, would have acted differently. The death of Brandon Wiley was legally justified and no criminal responsibility can be found for the deputy involved as he was legally exercising his right of self-defense and defense-of-others.

D. Conclusion

In accordance with my oath and duty to uphold the constitution and laws of both the United States and the State of Louisiana, as District Attorney for the 19<sup>th</sup> Judicial District, Parish of East Baton Rouge, I issue this final report into the circumstances and death of Brandon Wiley. Brandon Wiley was killed by an East Baton Rouge Sheriff's Office deputy in the course and scope of his employment as a law enforcement officer and under circumstances where his use of deadly force was legally justified. It is my determination as District Attorney that there is no probable cause of criminal responsibility to present to a Grand Jury in the matter of the death of Brandon Wiley.

Signed: HCM III

Date: March 9, 2018

Hillar C. Moore, III

## LISTING OF EVIDENCE

### A. Dispatch and 911 Calls

1. [EBRSO Radio Traffic Before Shooting](#)
2. [EBRSO Radio Traffic After Shooting](#)
3. [911 Call](#)
4. [EMS Dispatch Recording](#)
5. [EBRSO CAD Screens](#)

### B. Police Reports

1. [LSP Case Report](#)
2. [LSP TSO Report](#)
3. [EBRSO Report on OIS](#)
4. [EBRSO Report on Rape](#)

### C. Autopsy Reports

1. [Sgt. Shawn Anderson's Autopsy Report](#)
2. [Brandon Wiley's Autopsy Report](#)

### D. Toxicology Reports

1. [Sgt. Shawn Anderson's Toxicology Report](#)
2. [Brandon Wiley's Toxicology Report](#)

### E. Crime Lab Reports

1. [Firearms Report](#)
2. [DNA Report](#)
3. [Crime Scene Report](#)

### F. Photos

1. [Exterior View of Classic Cuts](#)
2. [Wiley's Truck Parked Outside](#)

3. [View Directly Outside of Entrance](#)
4. [Front Seating Area 1](#)
5. [Front Seating Area 2](#)
6. [Interior of Classic Cuts 1](#)
7. [Interior of Classic Cuts 2](#)
8. [Interior View of Bullet Hole through Window](#)
9. [Exterior View of Bullet Hole through Window](#)
10. [Wiley's Station and Belongings](#)
11. [Wiley's Station with Evidence Markers](#)
12. [Cartridge Casings](#)
13. [Cartridge Casings](#)
14. [Cartridge Casing](#)
15. [Cartridge Casing](#)
16. [Cartridge Casing](#)
17. [Wiley's Gun in Rear Area of Salon](#)
18. [Rear Area of Salon](#)
19. [Wiley's Holster](#)
20. [Wiley's Shirt and Shirt Contents](#)
21. [Wiley's Backpack and Tattooing Supplies](#)
22. [Scanned Version of Wiley's Suicide.org Printout](#)

G. [Crime Scene Diagram](#)

H. [Map](#)