

STATE OF INDIANA) IN THE DEARBORN CIRCUIT COURT
) SS:
COUNTY OF DEARBORN) CAUSE NUMBER 15C01-1901-MC-000020

IN THE MATTER OF DEATH)
INVESTIGATION OF:)
CHRISTOPHER ALLEN SCHMITT,)
DATE OF DEATH: JANUARY 12, 2019.)

**MAY 1, 2019 REPORT FROM
SPECIAL PROSECUTING ATTORNEY RICHARD J. HERTEL**

Lead Investigator: ISP Detective Chris Tucker (Sellersburg District 45)
Assistant Investigator: ISP Detective Josh Banet (Sellersburg District 45)

Date: January 12, 2019

Location: Sunman, IN

Statutory Requirement: Whenever a special prosecutor is appointed to investigate a criminal matter, the special prosecutor must file a Report to the Court *I. C. 33-39-10-2(f)*. The statute further requires that the Report be a written, public report when a “public servant” is the subject of the investigation. The subjects of this investigation are an Indiana State Police trooper and a Dearborn County Sheriff deputy. Both are statutorily defined as “public servants.”

Facts/Narrative:

Law enforcement officers were dispatched for a domestic disturbance to a Sunman home following a 911 call. ISP Trooper Jordan Craig and Dearborn County Deputy Sheriff Brian Weigel arrived at the Sunman residence simultaneously on January 12, 2019 at approximately 10:56 a.m., using lights and sirens. Craig and Weigel observed a struggle inside the home between a man and woman. The man was later identified as Christopher Schmitt, who exited the home and lowered a long gun at Trooper Craig. Craig fired twice. Weigel fired four times. Schmitt fell to the deck. Medical attention was rendered to Schmitt. Schmitt was transported to Margaret Mary Health, where he died. He was pronounced dead at 11:32 a.m. at Margaret Mary Health. An autopsy was performed by Dr. Stephens, Hamilton County Coroner’s Office.

Interview of decedent’s wife, Cassie Schmitt:

Cassie Schmitt was interviewed the same day as the shooting. She stated Christopher Schmitt said he was “going to die today.” Christopher suffered from Alzheimer’s and dementia. He was taking medication. Smelled of alcohol. Christopher was suicidal that day. Mrs. Schmitt called her brother for advice, then called 911. Cassie had hidden a shotgun from Christopher that he had earlier that day. When the police arrived, Mr. and Mrs. Schmitt were fighting because Christopher had a knife.

Interview of Trooper Craig:

Craig responded to 911 traffic for a domestic disturbance at the Sunman home. He and Weigel arrived at the same time, driving separate cars. He understood there may be weapons involved. He saw a struggle between a male and female inside the house. The male came out of the house and lowered a weapon at him. Trooper Craig feared for his life and fired two rounds from his rifle. Craig then rendered medical attention to the male. This interview was conducted separately from the interview of Deputy Weigel.

Interview of Deputy Weigel:

Weigel responded to what he originally thought to be an overdose. He later (but prior to the shooting) understood it to be a domestic disturbance and that there were weapons involved. He arrived at the same time as Trooper Craig. He heard screaming inside the house. Saw a male and female struggling inside. He also heard the female crying for help. Saw the male appear on a deck and raise a rifle, pointing it at Trooper Craig. Weigel fired his weapon less than 10 times. He did a safety sweep of the home. This interview was conducted separately from the interview of Trooper Craig.

Search Warrant: A Search Warrant for the property was prepared, signed and granted by Judge Humphrey, Dearborn County Circuit Judge. The home and property were searched and photographed.

CSI/Evidence Technicians: Indiana State Police personnel collected weapons from both officers (Craig and Weigel), documented the scene, and took approximately 300 photographs. Six empty shell casings were collected where the two officers said they had fired. Two were believed to be from Craig's rifle, and four were believed to be from Weigel's rifle. A shotgun and shotgun shells and knife from inside the home were photographed but not collected, as they were not involved. A weapon, later determined to be a BB gun/air rifle, was collected on the deck near the deceased' body, identified as the weapon pointed at the officers.

Additional Interviews: Multiple interviews were done of law enforcement present at the scene and of neighbors. No other officers or civilians were present at the time of the shooting.

Autopsy: The autopsy was conducted by Dr. Gretel C. Stephens, Deputy Coroner and Forensic Pathologist for Hamilton County, Ohio, who obtained medical records from Margaret Mary Health. The autopsy of Christopher Schmitt was officially completed on April 4, 2019. Dr. Stephens made the following findings:

1. "Toxic concentrations of ethanol and hydrocodone with cyclobenzaprine, zolpidem and alprazolam also present." (*Autopsy, page 2*)
2. "Cause of Death: It is my opinion, based on the autopsy findings and the information available to me that the cause of death is

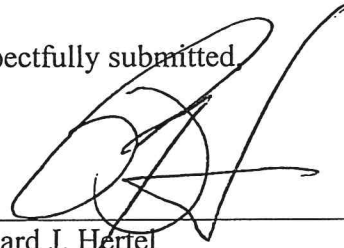
exsanguination due to disruption of the left lung, vessels and bones of left upper extremity and ribs due to three gunshot wounds to the left arm, hand and left chest.” (*Autopsy, page 2*)

3. “Contributory Cause of Death: Superficial fourth gunshot wound to the right chest wall and right arm.” (*Autopsy, page 2*)

Applicable Law: Indiana law provides that a law enforcement officer has the same right as any other person to assert self-defense under I. C. 35-41-3-2. A member of the public is not justified in using deadly force against a public servant whom the person knows or reasonably should know that public servant is acting lawfully or engaged in the public servant’s official duties (I. C. 35-41-3-2(k)). The use of deadly force is authorized in Indiana when a person reasonably believes that deadly force is necessary to prevent serious bodily injury to that person (I. C. 35-41-3-2(c)).

Conclusions of the Special Prosecutor: Following a complete review of the investigation conducted by the Indiana State Police, including but not limited to investigative reports, witness interviews, audio and video evidence, photographic evidence, medical opinions, and the autopsy completed by Dr. Stephens of the Hamilton County Coroner’s Office, the Special Prosecutor finds that on January 12, 2019, Indiana State Police Trooper Jordan Craig and Dearborn County Deputy Sheriff Brian Weigel acted according to department standard operating procedures using deadly force in carrying out their duties as sworn law enforcement officers. Trooper Craig and Deputy Weigel were confronted with a potential, life-threatening situation of themselves and of Cassie Schmitt, the decedent’s wife. The Special Prosecutor finds no wrongdoing or criminal liability with Trooper Craig’s or Deputy Weigel’s actions. As a result of this investigation, the Special Prosecutor declines filing any criminal charges against any mentioned individuals in this report.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'RH', written over a horizontal line.

Richard J. Hertel
Ripley County Prosecuting Attorney
Special Prosecutor