

12. That Sgt. O'Neill further advised that when he got around 7-8 feet from Mr. Logan, he asked Mr. Logan if that was his car;
13. That Sgt. O'Neill stated that when Mr. Logan got out of vehicle, he (Sgt. O'Neill) saw him (Mr. Logan) holding a knife;
14. That Sgt. O'Neill stated that Mr. Logan began to advance toward Sgt. O'Neill;
15. That Sgt. O'Neill stated that he ordered Mr. Logan to drop the knife multiple times;
16. That Sgt. O'Neill stated that Mr. Logan did not do so, and that he (Sgt. O'Neill) believed that his life was in danger, and fired 2 times;
17. That Mr. Logan was taken to the hospital, but ultimately died as a result of that shooting;
18. That Sgt. O'Neill did not activate his body camera before this shooting;
19. That CMHU has recovered the tapes of the 911 call and the dispatch traffic concerning this incident;
20. That the CMHU has recovered other body-camera and in-car camera video of interactions after the shooting;
21. That no recordings of the interaction between Sgt. O'Neill and Mr. Logan have been discovered;
22. That on June 18, 2019, I was advised by my Chief Investigator that he had written an "Officer's Report" (when he was a Lieutenant with the South Bend Police Department) concerning comments made by Sgt. O'Neill and had turned that into the South Bend Police Department;
23. That Chief Investigator Newton supplied me with a copy of that Report, dated July 11, 2008;
24. That the report quotes two (2) other officers that voiced a concern of inappropriate racial remarks made by Ryan O'Neill;
25. That there are questions of fact and law that will require a prosecutor to weigh decisions;
26. That part of an evaluation in any case involves credibility;
27. That in the instant case, because the operative events were not captured on the officer's body-worn camera, credibility determinations may become even more significant;
28. That even though the Report authored by my Chief Investigator merely recounted statements made by others, to the extent that the information contained within the Report could be relevant to an overall examination of the circumstances of this

particular case, it puts the Office of the St. Joseph County Prosecutor into a position where an involved party is directly employed by this Office;

29. To avoid any appearance of impropriety, conflict of interest or influence upon the ultimate prosecutorial decision to be made, I am – pursuant to I.C. 33-39-10-2 – seeking the appointment of a Special Prosecutor to oversee any additional investigation deemed necessary and any subsequent decisions involving the facts shown by the investigation;

30. Pursuant to IC 33-39-10-2, the St. Joseph County Circuit Court is the appropriate entity to select and appoint a Special Prosecutor; and

31. I refer the Court to David Powell, Executive Director of IPAC (the Indiana Prosecuting Attorney’s Council), for a list of qualified individuals to serve as Special Prosecutor.

WHEREFORE, Kenneth P. Cotter, Prosecuting Attorney for the 60th Judicial Circuit, respectfully petitions this Court to appoint a Special Prosecutor and for all other just and proper relief in the premises.

A handwritten signature in black ink, appearing to read 'K. P. Cotter', written over a horizontal line.

Kenneth P. Cotter, Prosecuting Attorney
60th Judicial Circuit
St. Joseph County, Indiana

Dated: June 24, 2019