

**VOLUSIA COUNTY SHERIFF'S OFFICE  
INTERNAL AFFAIRS**

**REPORT OF INVESTIGATION**

**REPORT NUMBER: IA-15-017**

**PERIOD COVERED:** September 21, 2015  
**DATE REPORTED:** September 21, 2015  
**SUBJECT(S) NAME:** Deputy William Kretzer #2505  
Deputy Daniel Sweeley #7947  
**INVESTIGATING OFFICER:** Sergeant Justin G. Sawicki #7179

**BASIS FOR INVESTIGATION:**

On September 21, 2015, Deputies William Kretzer and Daniel Sweeley conducted a lawful traffic stop on a 2006 GMC truck, which was occupied by Timothy Wagner and Shannon Murphy. The location of the traffic stop was State Road 40, just west of County Road 3 in Barberville, Florida. During the traffic stop Wagner brandished a firearm and fired first at Deputy Kretzer and then Deputy Sweeley. Deputy Kretzer and Deputy Sweeley responded by discharging their department issued Glock 35, .40 caliber handguns at Wagner, which resulted in his death. Murphy sustained a non-life threatening gunshot wound to her right shoulder.

The Florida Department of Law Enforcement, Special Agent Bill Lee, conducted the investigation into the use of Deadly Force by Deputy Kretzer and Deputy Sweeley that resulted in the shooting of Timothy Wagner and Shannon Murphy. The completed FDLE Investigative Summary is listed under FDLE Case #OR-27-0231. *(See Tab – F FDLE Investigative Summary)*

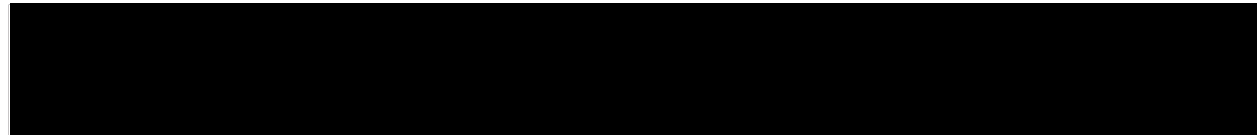
**OFFENSE(S):** None.

**INVESTIGATIVE SUMMARY:**

On September 21, 2015, Chief Deputy Robert L. Jones, III assigned the above described incident to the Internal Affairs Unit for investigation.

On September 22, 2015, Deputies Kretzer and Sweeley were served a Notification of Administrative Leave (with pay) as the result of the Use of Deadly Force on September 21, 2015. (See Tab – B for Official Correspondence)

On September 22, 2015, Sergeant Sawicki obtained a copy of the year 2015 annual Firearms qualifications for Deputies Kretzer and Sweeley. Deputy Kretzer qualified with his firearm (Glock 35 –1ENP967US) on January 12, 2015. Deputy Sweeley qualified with his firearm (Glock 35-WFP134) on January 12, 2015. (See Tab- D Firearms Qualification)



On September 29, 2015, a fitness for duty examination was conducted on Deputies Kretzer and Sweeley, by Dr. Greg Landrum, Ph.D. The finding of the examination is that the subject is “Fit to return to duty without restriction” for both deputies. (See Tab – H for Miscellaneous Documents)

On January 14, 2016, Special Agent Bill Lee completed the FDLE Investigative Summary referenced by #OR-27-0231.

On February 18, 2016, a letter was drafted by State Attorney R. J. Larizza and sent to Special Agent Bill Lee, regarding FDLE Case Number: OR-27-0231; Investigation of Officer Involved Shooting of Timothy Wagner and Shannon Murphy. Mr. Larizza wrote:

*“...this office has reviewed all of the investigative reports, officer statements and witness statements provided by your office regarding the “police use of force” involving Deputy William Kretzer and Deputy Daniel Sweeley that occurred on September 21, 2015. Based on a review of the investigation and the information provided, no further action by this office is warranted by this office.”*

*(See Tab – B for Official Correspondence)*

**Conclusion:**

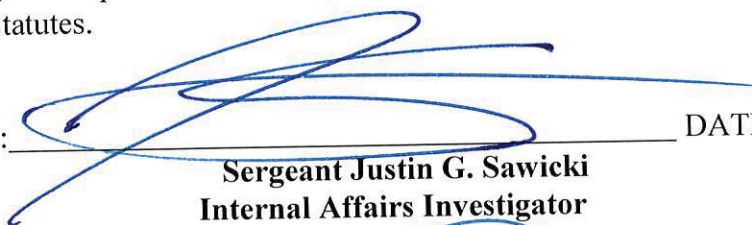
On March 29, 2016, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff and his staff determined the use of deadly force was **justified** as to prevent imminent death or great bodily harm to the deputies and found no violations of agency policy.


**EXHIBIT(S):**

- A. Report of Investigation
- B. Official Correspondence
- C. Incident Report
- D. Firearms Qualification
- E. Drug and Alcohol Screening results
- F. FDLE Investigative Summary #OR-27-0231
- G. Use of Force Review Board Documents
- H. Miscellaneous Documents
- I. Digital Media

Attached and made part of this case file is the Florida Department of Law enforcement case file #OR-27-0231.

I, the undersigned, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR:  DATE: 03/30/2016  
**Sergeant Justin G. Sawicki**  
**Internal Affairs Investigator**

APPROVED BY:  DATE: 03/30/2016  
**Chief Deputy Eric J. Dietrich**  
**SHERIFF BEN F. JOHNSON**  
**Volusia County Florida**