

Appendix B

Wilson alleges in her complaint and states in her affidavit that after the officers could not force Wilson out of the car by grabbing her, a female (Officer Gilbert) maced the left side of Wilson's face. Wilson recites in her affidavit that she then climbed into the front seat of the car and Lt. Bonham came around the car, opened the driver's side door and then stepped away from the car onto a curb. Passenger Watson then placed the keys in the ignition and started the car. Lt. Bonham then positioned himself in the car on the driver's side, placed his foot inside the car and the car started moving in reverse. Lt. Bonham then took his foot off the accelerator and began running with the car, grabbing onto the window while he was running. Wilson states in her affidavit that she put her foot on the brake and the car suddenly stopped, causing Lt. Bonham to do a head tuck and roll. He rolled forward and ended up standing straight on his feet. Wilson further states that after she saw Lt. Bonham stand up in the direction of the backside of the car, she turned to the front of the car and saw through the front windshield Officer Gilbert on her knees with her weapon drawn. Wilson states that she then placed the gearshift into "drive" and turned to the right to leave the parking lot. She states that the door to the car was still ajar, and that Officer Gilbert did not shoot at that time. Wilson noticed that while she was leaving, Officer Gilbert started running from her previous position. While Wilson was driving, she felt something strike her. Wilson states that it was while she was driving away, after Lt. Bonham was away from the car, that Officer Gilbert fired the shots at Wilson, hitting her once.

Lt. Bonham states in his affidavit that he was in full police uniform on September 17, 2004. He states that while Wilson walked away from him he told her she was under arrest, but she continued to be combative, walked to the car and climbed in the back seat. He states that he reached into the car and tried to pull Wilson out and then Wilson turned on her back and kicked Lt. Bonham several times in the groin area. Lt. Bonham states that while he and Officer Gilbert were trying to remove Wilson from the car, he noticed the passenger in the front passenger seat, Watson, but Lt. Bonham could not see Watson's hands. Watson refused Lt. Bonham's orders to show his hands and unlock the door. By this time, Wilson had climbed over the front seat and was now sitting in the driver's seat. Lt. Bonham went back around to the driver's side of the car to assist Officer Gilbert. Lt. Bonham noticed that the engine had started and he observed Officer Gilbert standing in the area of the open front door on the driver's side. Wilson refused orders to turn the car off. At that time, Officer Gilbert sprayed mace at Wilson.

Lt. Bonham further states in his affidavit that he noticed that there was a barrier in front of the car, so it could not go forward. He noticed also that if the car was put into reverse gear, the open door would hit Officer Gilbert. Lt. Bonham positioned himself between Officer Gilbert and Wilson, telling Wilson to turn off the car and not put it in reverse. Lt. Bonham attempted to put his right foot on the brake pedal, but the car started moving quickly in reverse and he was not able to keep his footing. Lt. Bonham states that his left foot and his right shoulder got caught underneath the car. He was trying to hold on to the rocker panel or to the bottom of the driver's seat. He was dragged by the car, and then he heard what sounded like a gunshot. The car changed directions and he tried to push off from the car, but he became lodged between the underside of the driver's door and the pavement. This caused him to roll and he came loose from the car. He heard no shots after he was able to get free from the car. Lt. Bonham suffered a dislocated right

shoulder, abrasions on his elbow and left shoulder, and other cuts and bruises.

Officer Gilbert states in her affidavit that when she came upon the scene in full police uniform, she observed Lt. Bonham trying to get Wilson out of the back seat of a car. Wilson was facing the door where Lt. Bonham was located and her feet were directed at Lt. Bonham. Wilson was kicking, punching and swatting at Lt. Bonham as he attempted to get her out of the car. Officer Gilbert tried to assist Lt. Bonham in getting Wilson out of the car. Officer Gilbert detected an odor of alcohol inside the car. There was another person in the front seat passenger side of the car and Lt. Bonham went around to the passenger side of the vehicle. Officer Gilbert ordered Wilson and passenger Watson many times to step out of the car, but both refused. Officer Gilbert tried to pull Wilson out of the car and Wilson punched Officer Gilbert. As Officer Gilbert stepped back, Wilson lunged into the front seat.

Officer Gilbert states in her affidavit that she reached in through the open back door and was able to unlock the front driver's side door and open the front door. Lt. Bonham had come around to the driver's side. Both officers continued to give verbal commands to Wilson to get out of the car, but she would not comply. Officer Gilbert then directed mace spray at Wilson's face. Wilson blocked the spray with her coat.

Officer Gilbert further states that she stepped back and Lt. Bonham positioned himself between Officer Gilbert and Wilson. Lt. Bonham reached into the car, having his back to Officer Gilbert. Officer Gilbert observed Wilson reach up and grab the gearshift and the car went into reverse. Wilson continued to refuse orders to turn off the car and get out. Officer Gilbert observed the car move quickly into reverse and Lt. Bonham moving with the car. As the car picked up speed, Officer Gilbert observed Lt. Bonham lose his footing, and heard him yell out for help. Officer Gilbert observed Lt. Bonham being dragged by the vehicle. Officer Gilbert continued her commands at Wilson to stop the car. Lt. Bonham was yelling "stop" and "help me."

Officer Gilbert states in her affidavit that when she realized that Lt. Bonham was not able to break free from the car, she drew her gun. Wilson continued to refuse orders to stop. Officer Gilbert at first tried to run with the car and fired a shot at the car. She could see Wilson sitting in the driver's seat with the door open and Lt. Bonham still caught on the car being dragged. Officer Gilbert observed Wilson appear to look at Officer Gilbert and the officer fired a second shot. At that time, the car was still moving in reverse, and in such a manner that Wilson must have turned the steering wheel counter-clockwise. After the second shot, the car stopped and Lt. Bonham was able to free himself. The car moved forward, moved around the parking lot, and another police vehicle started to pursue the car. Officer Gilbert states in her affidavit that the encounter was very tense, especially when the car was moving in reverse, and the events happened very quickly, with no more than a few seconds between the two shots.