

SAMSTER, KONKEL & SAFRAN, S.C.
ATTORNEYS AT LAW

Jerome A. Konkell*
Jonathan S. Safran
Jeffrey D. Patza

1110 North Old World Third St., Suite 405
Milwaukee, Wisconsin 53203
www.skslawyers.com

Telephone: (414) 224-0400
Facsimile: (414) 224-0280

James P. Samster
of counsel

**Certified Civil Trial Specialist by
the National Board of Trial
Advocacy*

For Immediate Release: December 22, 2014

Contact: Attorney Jonathan Safran
(414) 224-0400

The Dontre Hamilton shooting death case has now resulted in the Milwaukee County District Attorney adding yet another decision to the list of cases around the country with no criminal charges being filed against a police officer who shot and killed an African American male citizen. After waiting now for almost EIGHT MONTHS since Dontre Hamilton was shot and killed at Red Arrow Park by former City of Milwaukee Police Officer Christopher Manney, the Hamilton family and their attorneys are extremely disappointed in District Attorney John Chisholm's decision in this case. This is a case which cries out for justice, criminal charges against Christopher Manney, and accountability to Dontre Hamilton's family.

Since being advised today of the State law criminal charging decision by District Attorney Chisholm, we have been in contact with the United States Attorney's Office for the Eastern District of Wisconsin, in Milwaukee, and we have formally requested that they communicate with the United States Department of Justice, Civil Rights Division, Criminal Section, to immediately commence a federal investigation into this matter, with the belief that Federal law criminal civil rights charges are warranted in this case.

The Hamilton family, some of their attorneys, members of the faith communities in the Milwaukee area, representatives of the Milwaukee Branch of the NAACP, ACLU of Wisconsin, Milwaukee Urban League, MICA, Milwaukee Matters, the Sherman Park Community Association, the Coalition for Justice, the African American Roundtable, and other groups, plan to be present at a press conference today at noon, at the United States Courthouse, 517 East Wisconsin Avenue, Room 190, Milwaukee, WI. At that time, the family, attorneys, and community group members will make statements and respond to questions. Due to security screening requirements, you are advised to arrive early to allow sufficient time for that screening to take place.

Although previously provided, the facts once again regarding Dontre Hamilton's shooting death which have been established to-date are as follows:

On April 30, 2014, Dontre Hamilton was lawfully in Red Arrow Park in downtown Milwaukee. He was sleeping and not bothering anyone. Two Milwaukee Police Officers responded to complaints regarding Dontre sleeping. They determined that Dontre was not doing anything wrong, left him alone, and left the park. They acted appropriately and should be commended for their professionalism.

The officers returned a second time due to another complaint, and again -- upon confirming that Dontre was not bothering anyone or doing anything wrong -- they did not disturb him, they explained the situation to the Starbucks employee, and then left the park. Again, they acted appropriately and professionally.

Christopher Manney, then a City of Milwaukee police officer, later came to the park. Although there were no open police assignments for him to investigate anything, he requested that an assignment be created for him to again confront Dontre Hamilton. There were again no allegations that Dontre was doing anything wrong or bothering anyone. But Christopher Manney, according to the investigation conducted by the City of Milwaukee Police Department, Internal Affairs Division, approached Mr. Hamilton and conducted an impromptu and unlawful "pat-down." As described by Chief Edward Flynn on October 15, 2014 -- when Chief Flynn announced the basis for the termination -- Christopher Manney "failed to have reasonable suspicion that Mr. Hamilton was armed with a weapon or posed a threat to him or others prior to conducting a pat-down search, and acted contrary to training he received on February 22, 2012, specific to the engagement of homeless individuals during a Homeless Outreach Team (HOT) overview."

After this unlawful physical search of Mr. Hamilton, there are disputed eyewitness reports about how the altercation began, and whether it was Christopher Manney who indeed delivered the first strike to Dontre, with the wooden baton, (and prior to Dontre engaging in any further altercation). Christopher Manney ultimately shot Dontre fourteen times, emptying the clip from his service weapon. Dontre Hamilton died from the gunshot wounds.

As of today - the family and attorneys have been provided no evidence supporting Christopher Manney's claims of an alleged vicious attack by Mr. Hamilton. Also, no documents or information have yet been made publicly available relating to:

- Photographic substantiation of any alleged injuries to Christopher Manney's head or neck, the areas claimed to have been struck by Dontre's fists and the wooden baton. The Hamilton family and their attorneys have viewed photographs of Christopher Manneys' head, face, neck, shoulders, chest, and back, taken shortly after the shooting, and no visible injuries are depicted.
- Medical record substantiation of any alleged injuries to Christopher Manney.

A summary of the facts about Dontre Hamilton are as follows:

- Dontre Hamilton was not a homeless individual. He had his own apartment and lived independently. He was very close and very involved with his family. The Medical Examiner's records reflect he had an ID, a wallet, a cell phone, a backpack, a blanket, candy, and cash totaling \$160.22 on his person at the time of his death.
- Dontre Hamilton did not have an extensive criminal record. He had a history of traffic violations, but no criminal record of violence.
- Dontre Hamilton had no history of violence against others.
- Dontre Hamilton did not have a long history of mental health issues. He was diagnosed with paranoid schizophrenia a couple of years prior to the incident. He and his family were actively involved in his treatment.
- Dontre Hamilton was legally sleeping at Red Arrow Park, not bothering anyone, and not doing anything illegal on April 30, 2014.
- Dontre Hamilton was unarmed at the time he was confronted by Christopher Manney at Red Arrow Park.

The previously released portions of the Autopsy Report reflect the following:

General External Examination:

- Christopher Manney, in his formal "Response to Charge" document submitted to the Milwaukee Police Department on October 1, 2014, described Dontre as "in his 20's, with a very muscular build." However, in describing Dontre's body, the Medical Examiner states that "The body is that of a well developed, overweight (body mass index of 26.5), adult-black male that weighs 169 pounds, is 67 inches in length, and appears compatible with the reported age of 31 years" (*Christopher Manney's description is completely inaccurate.*)

Description of Gunshot Wounds:

- With each of the fourteen gunshots and fifteen gunshot wounds, there is no stippling or unburned or burned gunpowder particles on the skin surrounding any of the entrance gunshot wounds, therefore, Christopher Manney was some distance from Dontre when he fired each shot.
- At least 7 of the 14 bullets travelled downward:

Wound 2 – bullet traveled downward.

Wound 3 – bullet travelled downward.

Wounds 4 and 13 – bullet travelled downward.

Wound 5 – bullet traveled downward.

Wound 8 – bullet travelled downward.
Wound 9 and 16 - bullet travelled downward.
Wounds 10 and 11 – bullet travelled downward.

*Wound 14 establishes that **Christopher Manney shot Dontre Hamilton in the back.***

Blunt Force Injuries:

In addition to the gunshot wounds, Dontre Hamilton also sustained the following injuries:

- Abrasion on the right side of his chin.
- Abrasion on the right rear of his scalp.
- Contusions on the rear midline and on the left rear of his scalp.
- Multiple abrasions on the front midline of his neck.
- Contusions on his right upper arm

These injuries are indicative of Dontre Hamilton being beaten by Christopher Manney. *(Again, although Christopher Manney claims he had been beaten to the head by Dontre Hamilton, we have seen no evidence of any such injuries, however, photographs not publicly released but seen by the attorneys and family, depict no redness, bruises, abrasions, contusions, lacerations, or any visible injuries to Christopher Manney's head, face, neck, shoulders, chest or back.)*

Drug Use:

- The toxicology report reflects that Dontre Hamilton was not using any illicit drugs, and no traces of illicit drugs were found in his system whatsoever

Some interesting comparisons and contrasts between the Michael Brown case in Ferguson, MO, and the Dontre Hamilton case in Milwaukee, WI:

Michael Brown was shot and killed on 8-9-14 .

Dontre Hamilton was shot and killed on 4-30-14, 3 1/2 mos. prior to Michael Brown .

Michael Brown was unarmed, African American, and was shot by a white police officer, Darren Wilson.

Dontre Hamilton was unarmed, African American, and was shot by a white police officer, Christopher Manney.

Darren Wilson was identified publicly 6 days after the shooting, on 8-15-14.

Christopher Manney was not identified publicly until 5 1/2 mos. after the shooting, when he was terminated on 10-15-14 by Chief Flynn.

Darren Wilson claims to have sustained injuries to his head and face by Michael Brown, with evidence being publicly provided depicting swelling and bruising to Darren Wilson's face. Christopher Manney claims to have sustained injuries to his head and neck by Dontre Hamilton, but no evidence has been publicly provided, however, the family and attorneys have seen photos depicting no such injuries to Manney.

There are allegations that Michael Brown had committed a crime and aggressively confronted Darren Wilson prior to Wilson interacting with Brown and shooting him. There are no allegations that Dontre Hamilton had committed crimes or done anything wrong at Red Arrow Park prior to Manney interacting with Hamilton and shooting him.

Darren Wilson has not been disciplined for any of his actions or contact with Michael Brown (he resigned on 11-29-14). Christopher Manney was terminated for conducting an unauthorized search of Dontre Hamilton which led to the confrontation and shooting (he filed for disability retirement benefits and he has appealed his termination).

Michael Brown was shot approximately 6 times.
Dontre Hamilton was shot 14 times.

The Grand Jury in Missouri reviewed evidence and the Brown case starting 11 days after the shooting, reviewing law enforcement materials and evidence as of 8-20-14, and issued a decision of no indictment in three months
The District Attorney in Milwaukee reviewed evidence and the Hamilton case starting the day of the shooting, and then reviewed law enforcement materials and evidence as of 6-30-14, and only issued a decision of no criminal charges after almost eight months

This statement is being provided with the encouragement of Dontre Hamilton's family and with the involvement of their attorneys, Law Offices of Ian Wallach, Alex Flynn & Associates, S.C., Law Office of J. Blacknell, and Samster, Konkel & Safran, S.C.
