

DEFENDANT: JOHN M. WALTERS  
DOB: 06/27/1957 AGE: 51  
ADDRESS: 9 River Street  
Proctor, VT 05765

ARRAIGNMENT DATE:  
SA CASE NO.: 2008RD21433A  
ASSIGNED PROSECUTOR: Marc D. Brierre  
POLICE DEPT.: VSP-Rutland  
INVESTIGATING OFFICER: Tim Page  
ADVOCATE:  
INCIDENT NO.: 08C105882

STATE OF VERMONT  
RUTLAND COUNTY, SS

STATE OF VERMONT

DISTRICT COURT OF VERMONT

V

UNIT II, RUTLAND CIRCUIT

JOHN M. WALTERS

DOCKET NO. 1818-11-08 Red Cr

INFORMATION BY STATE'S ATTORNEY

By the authority of the State of Vermont, the State's Attorney for Rutland County, upon the oath of office charges:


COUNT 1 OF 1

CHARGE CODE: 13V2301/2D&9, CHARGE NAME: Murder-2nd Deg/Attempt, OFFENSE CLASS: F

JOHN M. WALTERS, in this Territorial Unit, in the County of Rutland, at Proctor, on or about November 19, 2008, did then and there attempt to unlawfully kill another human being, Vermont State Police Sgt. Tom Mozzer, by firing two or more shots from a pistol at Sgt. Mozzer, with the intent to kill or do great bodily harm to Sgt. Mozzer, in violation of 13 V.S.A. §2301, §9  
Penalty: Imprisonment for a minimum term of 20 years and a maximum term of life or life without the possibility of parole.

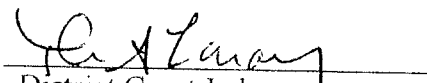
Against the peace and dignity of the State.

DATED: November 20, 2008

  
\_\_\_\_\_  
State's Attorney (Deputy)

This information has been presented to me and I have found probable cause.

DATED: 1/20/08

  
\_\_\_\_\_  
District Court Judge

Conditions Requested: d(\$1,000,000.00), 1, 2, 3, 4(custodian approved the Court after hearing), 6(Rutland), 10, 11 (24/7 at residence approved by the Court after hearing), 12, 13, 17 (6, 10, 11, 37), 36, 37, 39  
fingerprints/photos

AFFIDAVIT

STATE OF VERMONT  
RUTLAND COUNTY, ss.

NOW COMES Det/Sgt Timothy S. Page, affiant(s), being duly sworn and on oath, deposes and says he has probable cause to believe that John M. Walters DOB:6/27/57 has committed the offense(s) of Attempted Murder, a violation of 13, Vermont Statutes Annotated Section 9 and 2301.

The undersigned being duly sworn, deposes and says that I, Det/Sgt Timothy S. Page am now and have been for the past 18 years and 10 months, a full time employee of the Vermont State Police, being presently assigned to the Bradford barracks as a Detective Sergeant

At approximately 1130 hours I was notified by St Johnsbury dispatch that Lt Jean-Paul Sinclair, "B" Troop BCI Commander requested that I respond to Proctor, Vermont and meet with him and Capt Ed Ledo, BCI Commander at 9 River Street, I was advised that there was an officer involved shooting at that location .

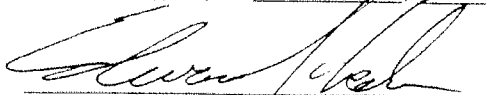
I arrived at the Proctor residence at approximately 0130 hours and Capt Ledo and Lt Sinclair arrived a short time later.

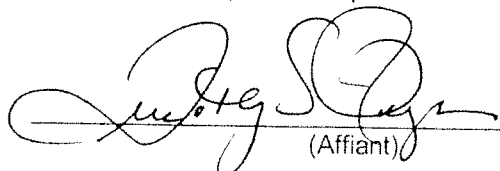
At approximately 0149 hours Lt Sinclair and I entered the Walters residence. S/T Wilborn was stationed just inside the doorway, controlling entrance to the scene. He recorded our entrance and briefed us on the scene to the best of his knowledge. I completed a cursory walk through the scene. I did not touch or disturb any of the evidence. I became familiar with the layout of the residence and the location of the altercation. At approximately 0202 hours we departed the residence and at approximately 0210 hours we departed the scene.

I arrived at VSP/Rutland at approximately 0225 hours. At that location Lt Sinclair and I met with and interviewed SGT Mozzer. SGT Mozzer gave an initial statement regarding the events outlined above. Based on my observations at the scene, SGT Mozzer's statement is consistent with the visible evidence.

After interviewing SGT Mozzer, Lt Sinclair and I listened to the audio tape that was recorded by SGT Mozzer through his body microphone that transmitted to his in car video recorder. There is no video of the incident other than SGT Mozzer's camera pointed out the windshield at the garage area of the residence. The audio portion of the recording also is consistent with SGT Mozzer's statement. SGT Mozzer can be heard numerous times trying to deescalate the situation and commanding Walters to drop his weapon.

Subscribed and sworn to before me on  
this 20<sup>th</sup> day of Nov, 2008

  
(Notary Public) (Judicial Officer)

  
(Affiant)  
11/20/08  
(Date)

I learned that on 11/19/08 at 2137 hours Rutland dispatch received a call from Wendy Freedom DOB: [REDACTED] who stated that she was calling for her friend, Grace Walters [REDACTED] Freedom stated that Grace's husband John Walters DOB:6/27/57 had drank a lot of wine and taken prescription meds and they were afraid that he was going to leave on his motorcycle. The Walters reside at 9 River Street, Proctor, VT. 05765.

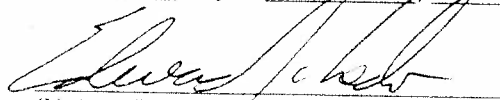
In his statement, SGT Thomas Mozzer said that he responded to the scene, arriving at approximately 2250 hours. He met with Grace Walters outside the residence. She informed him that her husband is depressed, taking meds and they are having financial problems. She asks the Trooper to be easy on him and further tells him that Walters is a professional. She states that he is a pharmacist. SGT Mozzer asks if there are any weapons upstairs in the residence, and Grace tells him there isn't, but she also tells him that her husband is in the bedroom downstairs. SGT Mozzer asks her to remain outside while he goes in and speaks with Walters.

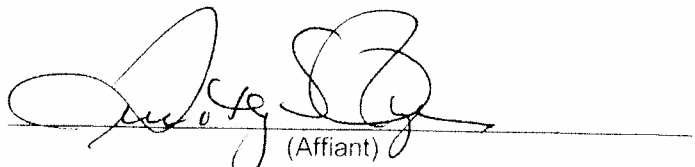
SGT Mozzer enters the residence via an entrance on the front of the house, facing River Street. He goes through a hallway, into a room with a piano, turns left into the kitchen, through another hallway that contains a small set of stairs up, then a small set of stairs down. At the end of the stairs he enters a hallway to his right, He immediately sees Walters sitting on the bed in the bedroom straight ahead. He observes that Walters is holding a pistol in his hand, between his legs. Walters is looking directly at SGT Mozzer. SGT Mozzer takes a position inside a bathroom doorway in this same hallway. He commands Walters to put the weapon down numerous times. Walters keeps telling SGT Mozzer to leave the residence. SGT Mozzer continues to tell Walters to drop the weapon. He tells Walters several times that he just wants to talk to him.

The doorway to the bedroom is a set of French doors and only one of the doors is open. Walters closes this door. At this point SGT Mozzer retreats back to the stairs and takes a position of cover behind the wall. Walters then exits the bedroom with his left hand exposed and his right hand concealed behind his back. SGT Mozzer again commands him numerous times to show his hands and drop the weapon. He is able to determine that Walters does not have the gun in his hands and approaches him. He attempts to place him in custody before Walters can get back to get the gun. A scuffle ensues and Walters manages to escape back into his bedroom. SGT Mozzer attempts several times to call for back up using his portable radio. Grace Walters has entered the residence and SGT Mozzer tells her to call the police and get him some back up.

Subscribed and sworn to before me on

this 30<sup>th</sup> day of Nov 2008

  
(Notary Public) (Judicial Officer)

  
(Affiant)  
11/20/08  
(Date)

SGT Mozzer then continues to try and talk to Walters and retreats further to the kitchen area on the other side of the small stairway. Again he uses a wall for cover.

Walters comes out of the room enraged, yelling at SGT Mozzer, pointing the gun at him. SGT Mozzer fires, Walters fires back and gunshots are exchanged. SGT Mozzer continues to loudly command Walters to drop the weapon and stop. SGT Mozzer again further retreats into a dining room off the room where the piano is located, all the while exchanging shots with Walters. Once inside the dining room, he takes cover by a wall and Walters charges out from the kitchen and takes a position behind the piano. SGT Mozzer sees the muzzle flash of Walters's weapon pointed in his direction then SGT Mozzer discharges his weapon again, striking Walters, who falls to the floor. All the while SGT Mozzer continues to command Walters to drop the gun and stop what he is doing.

SGT Mozzer observes that Walters weapon is on the floor, between him and Walters. He approaches and kicks the weapon aside, commanding Walters to show his hands. He then approaches Walters, rolls him over and handcuffs him. He again attempts several times to notify dispatch that shots have been fired and he needs an ambulance on scene immediately.


S/T Wilborn and S/T Lemieux arrive on scene a short time later. EMS arrives and Walters is transported to Rutland Regional Medical Center and later airlifted to Dartmouth Hitchcock Medical Center in Hanover, NH.

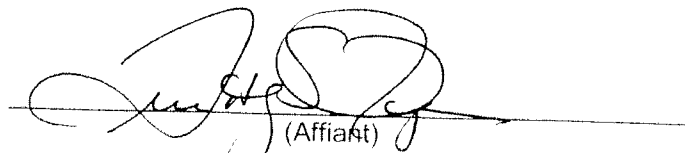
As Walters is currently receiving medical treatment at Dartmouth Hitchcock Medical Center in Hanover, New Hampshire, I respectfully request that an Arrest Warrant be issued for John M. Walters DOB:6/27/57 for the crime of Attempted Murder.

I further request that a Search Warrant be issued for the Walters residence and vehicles as stated in the Search Warrant Application.

Subscribed and sworn to before me on

this 20<sup>th</sup> day of Nov, 2008

  
(Notary Public) / (Judicial Officer)

  
(Affiant)  
11/20/08  
(Date)