



MEMO

From: Steve Kunzweiler, District Attorney

To: Trooper Scott Miller, Investigator

Date: July 23, 2020

Re: Oklahoma Highway Patrol
Report of Investigation: 20-0092CI
I-244 Incident, Tulsa, Ok.
Received July 20, 2020

Based upon the information submitted in your report, I am declining to file charges in the above referenced matter. This case involves an incident which took place on May 31, 2020 at the westbound lanes of Interstate 244 between North Elgin Avenue and North Detroit Avenue in the city of Tulsa, Tulsa County, State of Oklahoma. This location is not within the Creek Nation Reservation. The Oklahoma Highway Patrol submitted its report without an affidavit requesting charges and without a recommendation for prosecution.

The allegations are that a one ton maroon colored Dodge Pickup Truck (hereinafter “family truck”) with an empty gooseneck horse trailer in tow, operated by the truck driver father (hereinafter “father”), apparently assaulted individuals who found themselves in the lanes of traffic of this major highway in the early evening hours of May 31st. These individuals (hereinafter “protestors”) were originally afforded a protected route by the Tulsa Police Department to conduct their demonstration, but instead chose to leave the protected route and overtake the highway – which had multiple vehicles traversing it at the time.

At one point during the approximately 20-30 minute occupation of the interstate highway, a lead obstructed vehicle was permitted to drive through the crowd, ostensibly to continue on its journey. The family truck attempted to follow the path of the lead vehicle only to be descended upon by the large crowd of protestors¹. The family truck was occupied not only by the father, but also his wife (hereinafter “mother”) and their school age children (hereinafter “child 1” and “child 2”). It is alleged that the actions of

¹ Estimates of the crowd size vary, but videos submitted with the report corroborate that more than one hundred “protestors” were in the immediate area of the highway where the incident took place.

the father in moving his vehicle forward as the crowd descended upon him and his family constitutes an assault, presumably with a dangerous weapon (his vehicle).

The report reflects that there were three identified individuals who apparently received injuries during the incident: (1) Thomas Ryan Wright, who fell off the overpass near the incident after being pushed by the crowd; (2) Lisa K. Pepin, who was pushed to the ground by the crowd in its pursuit of the family truck; and (3) an unidentified female on a bicycle pushed to the ground by the family vehicle. However, the report does not document the injuries of these listed individuals although it is believed that (1) Mr. Wright received extensive injuries including paralysis, (2) Ms. Pepin fractured her pelvis / hip, and (3) the unidentified female received a wrap for an ankle injury but walked away.

Drone video surveillance images



Family Truck and Horse Trailer Surrounded by Protestors

Attempts by Protestors to Break Into the Family Horse Trailer

Protestor Preparing to Throw a Projectile at Family Truck



Impact of Projectile onto front windshield of Family Truck



Family Truck and Horse Trailer Under Attack

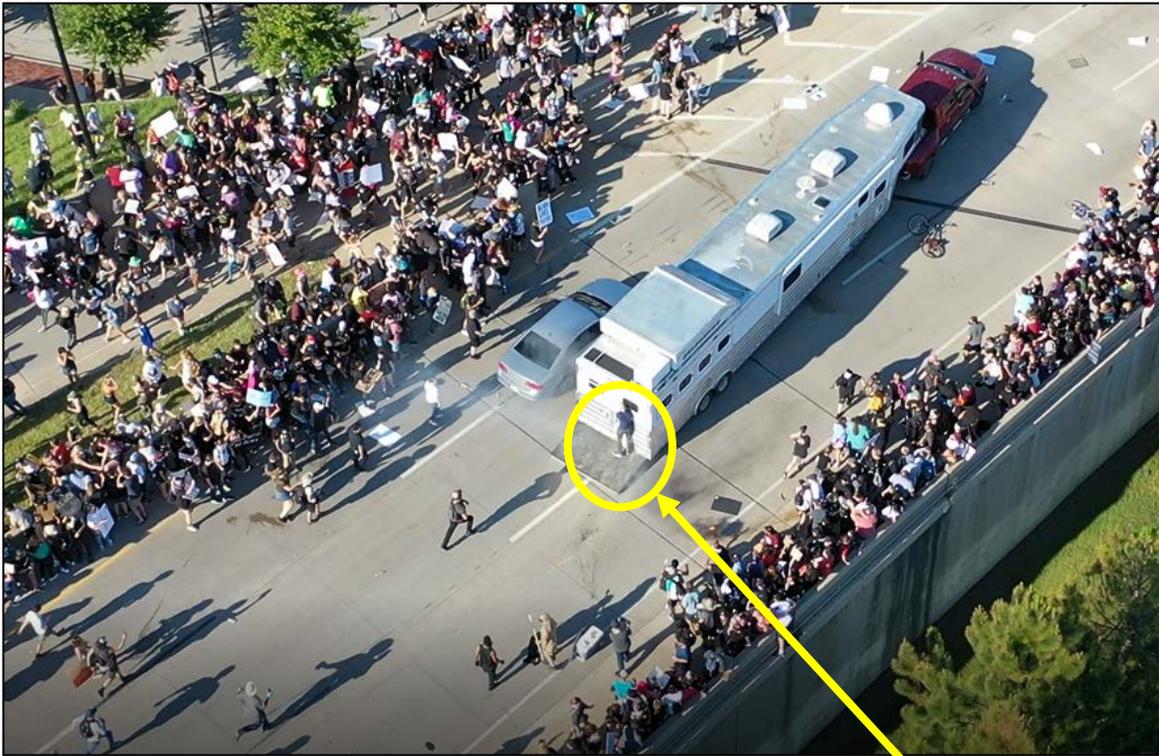
Protestors Attempting
to Break Into Family
Horse Trailer

Flaming Projectile /
Smoke Canister Hurlled
Towards Family Horse
Trailer



Family Truck and Horse Trailer Under Attack

Protestor Hurling
Flaming Projectile /
Smoke Canister
Towards Family Horse
Trailer



Family Truck and Horse Trailer Fleeing Scene

Horse Trailer Ramp
Pulled Down and
Protester Riding on
Ramp as Family Truck
and Horse Trailer Flee



Previously Thrown
Flaming Projectile /
Smoke Canister
adjacent to Fleeing
Family Horse Trailer

Highway level video images



Protesters Attacking Family Truck – Attempting to Tear Off External Rearview Mirror



Protester Attempting Entry into the Family Truck (#1)



Same Protester
Striking 2 Times at the
Driver and Passenger
Compartment of the
Family Truck with a
Metal Rod / Asp (#2)



Protester Picking Up
and Tossing Flaming
Projectile / Smoke
Canister towards the
Family Truck and
Horse Trailer



Multiple Protesters
Begin to Chase After
the fleeing Family
Truck and Horse
Trailer

Facebook Video



Family Truck and
Horse Trailer
Surrounded and Under
Siege by Protestors
Beating Upon It

Camera Phone Video #1



Family Truck Surrounded and Being Struck with Weapons – Including this Object to the Windshield

Camera Phone Video #2



Protesters Climbing Onto and Attempting to Enter into Family Horse Trailer

Flaming Projectile / Smoke Canister Thrown at Family Truck and Horse Trailer

Camera Phone Video #3



Statements of Family in Truck

All four family members describe being in a state of immediate fear for their safety.² The children describe how they crawled onto the floor of the back seat passenger compartment of the family truck, were crying, and in fear for their lives. The children describe how their family vehicle was surrounded and repeatedly being struck. One child described the sound as if they were in a hail storm. The children's mother echoed her children's statements and described them as so scared they got on the floorboard of the truck, screaming and crying. The mother described herself as being in fear for her life and the lives of her family members as their truck was repeatedly struck by protesters with their hands and objects which appeared to be bricks, metal bars, skateboards, bottles and other items. The father described his fear for his own life and the lives of his family as their family truck was surrounded by protestors who began to beat upon the truck with their hands and various weapons, to include projectiles thrown at the vehicle. At one point the front windshield was broken and glass fragments flew upon him.

The father stated that he was originally instructed to remain in his vehicle by an Oklahoma Highway Patrol Trooper who also advised him to have his windows rolled up and the doors locked. This statement is confirmed by Oklahoma Highway Patrol Trooper Vern Wilson who observed the protestors deviate from the protected demonstration route onto Interstate 244. The father also stated that subsequently an older black male motioned for him to drive forward and follow the initial lead automobile which was being allowed passage. This statement is corroborated by a camera video which shows an older black male securing passage for the initial lead automobile. The black male can be overheard telling protestors to allow the automobile and the truck passage. However, soon after the truck begins to move forward protestors descend upon it and begin striking it.

The family was followed by another family who were also pulling a horse trailer. This 2nd family identifies themselves as friends of the first family. This family consisted of a mother and father and two school age children. From their vantage point they witnessed the events unfolding in front of them with protestors surrounding and attacking their friends' truck and horse trailer. Similarly, the children in this vehicle were terrified by what was taking place. According to their mother, the children cried and wondered aloud if they were going to be killed, and if their friends were going to be killed. They witnessed multiple objects being used to strike their friends' truck and horse trailer. Further, they witnessed projectiles being hurled at their friends' truck and horse trailer. They apparently encountered the same older black male who managed to separate them from the protestors. He instructed them to back up their vehicle so they had an avenue of escape.

² There were no horses in the horse trailer, although there have been rampant rumors to the contrary.

Damage to the Family Truck and Horse Trailer



Door Handle Torn Off



Shattered Windshield



Fractured Front Grill



Dent on Front Quarter-panel



Dent below rear passenger window



Dent behind rear passenger window

Note: The Family Truck has multiple dents on the driver side, hood, and passenger side. Several of these dents are also associated with foot imprints which are clearly discernable in photographs taken shortly after this incident. Glass shards and fragments are also documented on the driver's side floorboard and seat. A metal thermos bottle was located in the bed of the Truck. The Horse Trailer appeared to only have two areas of damage. A protester's ball cap was also recovered from the Horse Trailer.



Shattered Window and Screen on Horse trailer



Dent on exterior of Horse Trailer



Protester Ball Cap



Protester Ball Cap

Relevant Legal Authority

Oklahoma law specifically prohibits the willful obstruction of its roadways under 69 O.S. §1213 (2010 & Supp.). Further, “no person shall willfully throw or drop any substance at a moving vehicle or any occupant thereof.” 47 O.S. §11-1111 (2010 & Supp.). The use of a dangerous weapon (for instance: metal rod, asp, brick, skateboard, smoke canister, etc.,) in an assaultive manner towards another human being is prohibited. 21 O.S. §645 (2010 & Supp.). The malicious injury to another person’s property or automobile is prohibited under 21 O.S. §1760 and 47 O.S. §4-104 (2010 & Supp.).

Oklahoma law also recognizes an individual’s right to defend himself and others. “A person is justified in using reasonable force in aid or defense of another person who is about to be injured during the commission of a crime.” OUJI-CR 8-3, 22 O.S. §33 (2010 & Supp.). “A person is justified in using force in self-defense if that person reasonably believed that use of force was necessary to protect himself/herself from imminent danger of bodily harm.” OUJI-CR 8-48, 21 O.S. §643(3) (2010 & Supp.).

Basis for Decline

No affidavit requesting charges was submitted with this report, nor was there a request for charges. The reason for that is obvious – the operator of the family truck and horse trailer and its occupants (which included two school age children) were the victims of a violent and unprovoked attack by multiple individuals who unnecessarily escalated an already dangerous circumstance by obstructing an interstate highway. Although the claim may be that this was a peaceful protest, there was nothing peaceful about the targeting and attack upon this family. Crimes were committed upon this family and the individuals responsible should be held accountable. The Oklahoma Highway Patrol is encouraged to identify those individuals who were photographed / videoed in this memo who are clearly seen using weapons and throwing projectiles and damaging the property of this family.

As a final observation, it is noteworthy that a number of protesters are overheard in their attempts to dissuade the attackers from doing what they chose to do to this family.



Stephen A. Kunzweiler
Tulsa County District Attorney