



DAVID E. BALASH

FIREARMS EXAMINER • FORENSIC SCIENCE CONSULTANT
41906 Echo Forest Ct. • Canton, Michigan 48188
Phone (734) 981-6788 • Fax (734) 981-6459

September 10, 2018

Ayad Law, PLLC
Mr. William D. Savage
645 Griswold Street
Suite 2202
Detroit, Michigan 48226

RE: Nelda Kellom v. I.C.E Agent Mitchell Quinn et al.

Mr. Savage:

The following listed material was reviewed by the undersigned and served as source material for the opinions and conclusions reached in this report.

- Detroit Police Department Police Reports
- MSP Scene photographs
- Wayne County Medical Examiner's Autopsy Protocol
- Limited Autopsy Photograph's
- Statement of I.C.E. Agent Mitchell Quinn
- Scene Sketches
- MSP Laboratory Reports
- Scene visit (exterior only)

QUALIFICATIONS FOR OPINION

The opinions and conclusions reached on the above-mentioned shooting are based on the following:

- My review of all the above listed material and evidence.
- My experience as a Michigan State Police Officer for over 25 years rising to the rank of D/Lt. in charge of the Firearms, Tool-Mark and Bombs and Explosive Unit of the MSP Northville Forensic Science Laboratory
- My experience for over 20 years as a member of the Michigan State Police Forensic Science Laboratory in the Firearms Identification, Tool Mark, Bombs and Explosive Unit.
- My experience with the Michigan State Police as a Crime Scene Analyst participating in and supervising hundreds of crime scene investigations during my years with the department.
- My experience at photographing and collecting evidence at crime scenes while with the Michigan State Police.
- My experience at photographing, participating in and collecting evidence at autopsies for over 20 years.
- Training sessions on crime scene reconstruction both as a member of the Michigan State Police and as a civilian examiner.

- My experience in investigating shooting crime scenes for over 20 years as a member of the Michigan State Police and then continuing to utilize that experience as a self-employed examiner in assessing shooting crime scenes for the past 25+ years.
- My experience at having examined hundreds of shooting victims at crime scenes, autopsies, hospitals and funeral homes.
- My experience at taking and interpreting X-Ray's in bomb squad work and training as well as at using and interpreting X-Ray's at crime scenes, autopsies and hospitals for the past 45+ years.
- I continue to follow new developments in the field of forensic testing through caseload and review of journals in the subject area.
- See a copy of my C.V. for more specific information

INFORMATION

The following is a brief summary of the events as understood by the undersigned which resulted in the shooting death of Terrance Kellom by I.C.E. Agent Mitchell Quinn on April 27, 2015 based on what Agent Quinn and the police reports state took place.

Acting with an arrest warrant for Terrance Kellom, a I.C.E. task force agents entered the Kellom residence located at 9543 Evergreen, Detroit, MI. on 4/27/2015 looking for Terrance Kellom. Mr. Kellom was located in the attic area of the residence when first contacted by agents, however he was apparently in the process of breaking through the attic floor (ceiling of the below bedroom) with a hammer and his feet in an attempt to elude officers. Agent Quinn responded to the back-bedroom area where Mr. Kellom would come through the ceiling at, however the doorway was covered with a blanket. Agent Quinn reportedly removed the blanket; however, a second blanket was still in place. At this time Agent Quinn could hear someone coming toward the doorway with the blanket covering it from inside the room and he retreated from the doorway. At this time a subject pushed the blanket to one side and with a hammer in his right hand raised over his head, lunged at Agent Quinn. Agent Quinn again states he retreated to put distance between himself and the subject and at the same time he draws his weapon.

Agent Quinn now states that he orders the subject to stop and in fear for his life fires one shot. Agent Quinn states he paused, however the subject was still within striking distance continued to rapidly advance toward him. Agent Quinn apparently begins to lose his balance and as he orders the subject to stop, as he fires additional shots he tripped and fell backward on the floor landing on his left hand. The subject collapsed towards him lying on the floor with the claw hammer still in his outstretched right hand. Other officers now secure the subject and Agent Quinn is escorted from the scene.

TFO Darell Fitzgerald stated that Mr. Kellom was shot the first time from approximately 7 feet away, then he moved to around an arm's length away from Agent Quinn, who then fired several more shots (while Agent Quinn was falling backwards) with Mr. Kellom then falling face down on the floor with the hammer still in his right hand.

COMMENTS AND OBSERVATIONS

The investigation into the shooting death of Terrance Kellom by the Detroit Police department appears to have been driven solely by what the shooter and the other members of the arrest warrant entry team told investigators what happened rather than having the evidence drive the investigation. The following points are examples of what I am referring to:

- * Mr. Kellom suffered four (4) bullet strikes and all four are from different angles as well as directions. The autopsy protocol lists GSW #1 entering on the anterior base of the neck 12 inches below the top of the head and travels from front to back, left to right and downward. GSW #2 enters the anterior left shoulder (virtually the top of the shoulder) 9 ¼ inches below the top of the head and 5 ¾ inches left of midline and travels left to right and downward. GSW #3 enters the lower right back 23 ½ inches below the top of the head and 6 inches right of midline (posterior) and this bullet travels back to front, right to left and upward where the bullet nearly exits the victim 22 inches below the top of the head and 2 inches right of midline. GSW #4 enters the lateral right thigh 38 inches above the heel and exits the right inguinal (inner thigh as I view the photo) 37 inches above the heel. The wound tract is from back to front, right to left and downward. Agent Quinn stated that Mr. Kellom charged at him and that he fired while retreating and falling with Mr. Kellom falling toward him (facedown) on the floor. The evidence and the account of the shooting do not correlate.
- * The fired cartridge cases are distributed throughout the living room area, however there are fired cartridge cases in the hallway, bathroom and on one of the closet shelves as well. Did investigators determine why the fired cartridge cases were found in such different locations given the account of the shooting being offered by Agent Quinn?
- * Scene photographs were of a poor quality for a homicide investigation. The failure to include a measuring device in photographs of blood spatter and bullet strikes does not allow for a critical examination of that evidence. The photographs did not fully cover the residence, an example would be the photograph of an apparent bullet strike to the front door, however the undersigned could not locate a photograph of the inside of the front door. The photographs also had two #8 evidence markers in them with one depicting a fired cartridge case and another # 8 depicting what appears to be a portion of a fired bullet/bullet jacket on the floor near marker #7, however there is no evidence listed that shows the recovery of a possible portion of a fired bullet/bullet jacket that I can find.
- * The blood spatter patterns observed on the walls were not explained with the story of how the shooting took place.

- * How did the hammer get what appears to be a quantity of blood in the inner claw area when it was apparently out in front of Mr. Kellom when he fell to the floor?
- * This examiner did not note any examination of the shirt worn by Mr. Kellom when he was shot specifically looking for gunshot discharge residue.
- * GSW #3 was located in the back of Mr. Kellom with the bullet partially exited his right chest wall. This type of bullet exit wound is referred to as a shored bullet exit, meaning something prevented this bullet from fully exiting the body.
- * This examiner did note an examination of the floor area under where the victim was reportedly lying by the MSP personnel with a gauge in the wood noted, however this area did not appear to be memorialized by a scene photograph. Did examiners look for any possible evidence of a near vertical bullet strike? A fired bullet was recovered next to where the victim was apparently lying on the floor.
- * The undersigned did not note any testing of the involved officer's weapon for either confirmation that he was the only shooter or for the ejection pattern of his weapon. The dispersal of the fired cartridge cases at the scene should have required that testing.

OPINIONS AND CONCLUSIONS

Mr. Kellom was struck by four (4) fired bullets, all entering his body from four (4) different directions and angles making the account of the shooting given by Agent Quinn and other members of the team inconsistent with the evidence.

Then, when considering the location of the fired cartridge cases at the scene, specifically the one in the bathroom and the one on the closet shelf, the shored bullet exit wound from GSW #3, the lack of any examination of the clothing for firearms discharge residue and the missing item #8 or the listing of what happened to this item requires that the version of the shooting given by Agent Quinn and other team members should have been to be more thoroughly examined by investigators in this examiner's opinion.

The undersigned reserves the right to modify or change any of the opinions expressed in this report if previously unreviewed evidence or reports become available for review. The undersigned also requested to actually visit the scene to observe firsthand the immediate area of the shooting.

Respectfully submitted,



David E. Balash