

SOUTH METRO

Officer feared for his life in shootout with Fitch

Police who captured man accused of killing officer took the stand on Monday.

By Matt McKinney (<https://www.startribune.com/matt-mckinney/6370539/>) Star Tribune |

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ST. CLOUD – In the moments before he was captured, Brian G. Fitch sounded like a man on the run, two people who know him testified Monday.

Accused of gunning down Mendota Heights police officer Scott Patrick on July 30 during a routine traffic stop, Fitch showed up unexpectedly at a house in Sycamore Street in St. Paul's North End neighborhood a few hours after Patrick's death, said Jeffrey Klink, an associate. Authorities by then had narrowed their suspect search to Fitch and were desperately combing the Twin Cities in a massive manhunt involving more than a dozen law enforcement agencies.

Fitch seemed "a little out of it, like something had happened," Klink testified Monday. Fitch told one man to tell others that he had gone to Canada, but made plans to drive to a cabin in Luck, Wis., according to Monday's testimony. Two people said he carried a black handgun with a laser sight similar to the firearm authorities believe was used to kill Patrick.

Thirteen people in all testified Monday, including police officers who engaged in a close-quarters shootout with Fitch when they found him near the Sycamore Street house. Fitch was shot eight times before his arrest. Standing on his own in court, he appears to have fully recovered from his injuries. Several police officers and one civilian witness testified that they saw at least two muzzle flashes inside Fitch's vehicle as he shot at police; the civilian said he also saw four or five shots fired at police through Fitch's driver's side window.

A woman testified that she drove around the Twin Cities for several hours with Fitch that afternoon, doing errands at Walgreens, stopping at a Dairy Queen and having a tire changed on their vehicle.

It wasn't until that evening that Fitch and the woman, Kelly Hardy, appeared at the Sycamore Street house driving a blue Hyundai Veracruz. Fitch was "really calm," said Jacob Hayes in court Monday, but he wanted Hayes to tell people that he had gone to Canada. He then threatened to kill Hayes' family if Hayes revealed Fitch's whereabouts to anyone.

Defense attorney Lauri Traub asked Hayes, an admitted meth user, why he didn't tell authorities about the threats when he spoke to police on July 30. "Didn't think it was a big deal," Hayes said in court.

Klink said Fitch walked in the door and asked "Who's here? Don't let anybody in," before telling him to turn off his phone. Klink said he heard Fitch making plans with another man to go to the cabin in Luck. When asked if Fitch talked about the cop who had been shot that day, Klink told prosecutor Richard Dusterhoft that it was his "understanding that he [Fitch] did it. I felt it," Klink said.

Under cross-examination, Klink admitted to defense attorney Traub that he was high that day.

"Are you high right now?" Traub asked. Klink said no, saying he last smoked meth about a week ago.

■ Video (02:19) : The trial for Brian Fitch who is accused of killing officer Scott Patrick of Mendota Heights resumed Monday with a long

Fitch was at the Sycamore Street house for less than an hour, but while he was there St. Paul Police Sgt. Dylan Flenniken spotted the Veracruz parked outside. Flenniken testified Monday that he was among the scores of officers searching for Fitch that day, and a street contact steered Flenniken and three other officers to the Sycamore Street house. They immediately radioed for more police officers but Fitch and several other people walked out of the house and began to drive off, sparking a brief chase through the neighborhood.

Hayes and Hardy were both in the SUV with Fitch as he attempted to elude the growing number of unmarked police vehicles swarming the neighborhood. Fitch took a route that steered him back to Sycamore Street, and he ended up driving over a curb and into a commercial parking lot near 60 Sycamore Street. Hayes opened the front passenger door and ran from the vehicle with his hands up; he said he dropped to the ground nearby.

St. Paul police officer Tim Bohn rushed toward the SUV and spotted Fitch through the open passenger door. He testified that he saw a black object in Fitch's hand, heard two gun shots and saw two muzzle flashes before returning fire.

Sgt. Greg Gravesen of the St. Paul Police Department testified that after Fitch was captured, he used a surveying instrument known as a self-registering tachometer to measure the distances between Fitch's vehicle, the police vehicles, and the spots where police officers were standing when they fired toward Fitch.

The analysis showed that officer Tim Bohn was just 16 feet away from Fitch when the two of them opened fire on each other. Bohn wasn't hit, but said he saw two muzzle flashes from Fitch's gun and considered himself the target. He fired several times at Fitch, then ran around the front of the vehicle and fired through the windshield as Fitch backed away.

"Did you think you were going to die?" asked Dusterhoft.

"Yes," said Bohn.

Testimony resumes Tuesday morning.



FEED LOADER

Fitch

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