



OFFICE OF THE DISTRICT ATTORNEY

Milwaukee County

KENT LOVERN · District Attorney

Chief Deputy Jeffrey J. Altenburg, Deputies Lovell Johnson, Jr., Elisabeth Mueller,
Matthew J. Torbenson, Megan Newport, Sara N.V. Sadowski, Ann López

February 24, 2026

Chief Jeffrey Norman
Milwaukee Police Department
749 W. State Street
Milwaukee, WI 53233

Re: Use of force by Officer Andrew Schnell

Dear Chief Norman:

On Saturday, March 8, 2025, at approximately 3:17 p.m., Milwaukee police officers Andrew Schnell and Justino Rodriguez responded to a burglary of a business at 5150 N. 32nd Street that was upgraded to a shots-fired incident. The officers were flagged down by the business owner, BZS, who told them he caught two subjects entering his building through a window without his permission. BZS indicated he took the keys out of the van belonging to the subjects, who then fired a gunshot toward BZS, not striking him. The two subjects caught entering the business were later identified as Anthony Virginia and another adult male, OML, and they were observed fleeing from the business site on foot.

Uniformed Officers Schnell and Rodriguez pursued the two suspects in their marked squad car along a nearby rail line that traverses the neighborhood. MPD Sgt. Jesse Busshardt, also in full police uniform, also responded to the scene and picked-up foot pursuit of Virginia and OML from the other direction along the railroad tracks. Sgt. Busshardt believed Virginia was armed with a pistol given the way he was holding his hands close to his chest while trying to escape. Busshardt also observed a .22 caliber magazine fall from OML's person as the two suspects were trying to elude officers. Officer Schnell, now on foot along the tracks, was armed with a rifle and observed the suspects approaching on foot along the railroad tracks. He observed Virginia armed with a handgun that he raised upward. Busshardt, still behind Virginia while facing Schnell, who was further downward of Virginia, ultimately observed Virginia display a silver handgun and raise it as if to point it toward Schnell. Busshardt then heard shots being fired. At this time, Schnell fired three shots with his rifle. Busshardt heard one round fly right past him and then observed Virginia fall to the ground. Busshardt then observed Virginia with wounds to his head and torso area, while still holding in his right hand a Taurus .38 revolver. He subsequently succumbed to his injuries.

The investigation into the death of Mr. Virginia was turned over to the Milwaukee Area Investigative Team. The investigation of this matter was led by the City of Wauwatosa Police Department.

Milwaukee County Assistant Medical Examiner Jessica Lelinski, MD, conducted an autopsy of Virginia. She examined the wound to Virginia's head and removed a deformed bullet cartridge, which was later examined by the Wisconsin State Crime Laboratory and determined to have been fired by the Taurus .38 revolver in possession of Virginia. Dr. Lelinski also examined a gunshot wound from Virginia's torso and removed a deformed bullet cartridge, which the crime lab determined was fired by Officer Schnell's service rifle. A third graze wound to the lower flank/back area of Virginia is also believed to have been fired by Officer Schnell.

Schnell told investigators that he fired shots after observing Virginia display and raise a handgun while looking directly at him. He indicated he feared for his life when he decided to shoot.

OML, who was the other suspect along with Virginia, told investigators he observed Virginia with a firearm that he refused to drop and believed he pointed the firearm in the direction of an officer before seeing him fire one shot.

The use of force by Officer Schnell was in response to Virginia's threat of potentially deadly force by displaying, pointing, and refusing to drop a firearm, creating the objectively reasonable belief in Schnell's mind that there was imminent risk of bodily harm or death to him or someone else on the scene. The application of Wisconsin law to the facts and circumstances of the situation created by Virginia justifies the use of force against him by Schnell. This office is closing its review of the use of force by the officer in this matter.

Sincerely,



Kent Lovern
District Attorney

cc: Assistant Chief Nicole Waldner
Assistant Chief Craig Sarnow
Attorney Samuel Hall
Attorney William Sulton
City of Wauwatosa Police Chief James MacGillis