



**REPORT OF INVESTIGATION  
OFFICE OF ATTORNEY GENERAL  
BUREAU OF CRIMINAL INVESTIGATION**

**CASE 16-0114: Officer-Involved Shooting - MARCUS SCHUMACHER  
(Deceased)/Officer JERROD WAGNER/Officer JASON MOSZER (Deceased)**

Initiating Agency: Fargo Police Department  
Assisting Agency: ND Bureau of Criminal Investigation  
Case Agent: Special Agent [REDACTED]  
Nature of Case: Officer-Involved Shooting/Homicide

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**Report 216: Interview of NDHP Trooper Adam Malafa**

Report Type: Narrative  
Reporting Agent: Special Agent [REDACTED]  
Activity Date: 02/12/2016  
Activity Location: North Dakota Highway Patrol, 374 34th Street South, Suite A, Fargo, ND  
Report Approved By: Special Agent [REDACTED] and Supervisory Special Agent [REDACTED]

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**Summary:**

On February 11, 2016, at approximately 6:40 a.m., Special Agent (S/A) [REDACTED] [REDACTED] responded to an officer-involved shooting scene at 308 9th Avenue North in Fargo, North Dakota, to assist in the investigation.

On February 12, 2016, S/A [REDACTED] conducted an audio-recorded interview of North Dakota Highway Patrol (NDHP) Trooper Adam Malafa.

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**Personnel Assigned:**

[REDACTED]

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**Details:**

(ALL TIMES ARE APPROXIMATE)

1. On February 12, 2016, Special Agent (S/A) [REDACTED] [REDACTED] interviewed North Dakota Highway Patrol (NDHP) Trooper Adam Malafa at the North Dakota Highway Patrol office located in Fargo, North Dakota. Troop Malafa had been assigned to a perimeter location south of 308 9th Avenue North in Fargo, North Dakota, during the officer-involved shooting incident that occurred February 10, 2016, and February 11, 2016. This

statement was audio-recorded. S/A [REDACTED] drew a diagram to assist with Trooper Malafa's recollection of events. It should be noted that on the diagram, S/A [REDACTED] wrote in black ink and Trooper Malafa wrote in red ink.

2. Trooper Malafa stated that at approximately 8:15 p.m., Trooper Malafa overheard a radio transmission requesting the assistance of the Cass County Sheriff's Department and the North Dakota Highway Patrol in maintaining a perimeter of 308 9th Avenue North in Fargo, North Dakota. Trooper Malafa stated he responded to a briefing location which was near Sanford Health hospital located on 4th Street North. Trooper Malafa was given a briefing on the situation, which included an armed subject who was in the house. Trooper Malafa stated he was aware the subject was suicidal, shots had been fired, and the event began as a domestic disturbance.
3. Trooper Malafa stated he was assigned to an alleyway in between 3rd Street North and 4th Street North on 8th Avenue North. Trooper Malafa was instructed to not allow any traffic to travel north on the alleyway. Trooper Malafa had stated he had heard approximately three (3) individual gunshots during this timeframe, but was still unaware that the target residence was in front of Trooper Malafa.
4. Trooper Malafa indicated that shortly after he arrived in the alleyway, Trooper Malafa observed an older aged male standing north of his location, which was a short distance to the south of 308 9th Avenue North. Trooper Malafa stated he drove his squad car down the alley and spoke to the male and informed the male that the male needed to leave the area. It should be noted that Trooper Malafa stated that Trooper Malafa was not aware MARCUS SCHUMACHER's residence was a short distance away. Trooper Malafa stated that at the time, Trooper Malafa believed the residence was on the corner of 3rd Street North and 9th Avenue North. Trooper Malafa stated after removing the elderly male out of the area, Trooper Malafa returned to the intersection of the alleyway and 8th Avenue North.
5. A short time later, Trooper Malafa stated that a group of three (3) individuals exited a garage, which was again a short distance from 308 9th Avenue North. Trooper Malafa stated he approached the group of individuals on foot and directed them to go back inside. Trooper Malafa stated he got their attention by flashing his flashlight at them and yelling. The group protested a short time before complying and going back inside. Trooper Malafa then walked back to his squad car.
6. Trooper Malafa stated after returning to his squad car, a short time later Trooper Malafa overheard radio traffic indicating that if there was a clear shot at the subject, it should be taken. Trooper Malafa stated less than five (5) minutes later, Trooper Malafa heard four (4) to five (5) rounds being fired down the alleyway in his direction. Trooper Malafa stated that he was standing outside of his squad car, in between the car door and body of the car. Trooper Malafa stated he knew the rounds were striking close to him because of the ricocheting sound and the snap of the firearm. Trooper Malafa later stated he believed the rounds being fired at him were either a .22 caliber or rounds being fired from a suppressed weapon. Trooper Malafa stated he dove behind his squad car after hearing the shots.
7. Believing that MARCUS SCHUMACHER was either on foot or on a rooftop, Trooper Malafa fled his squad car to the south and east away from the gunshots. Trooper Malafa stated he assumed a prone position and covered his squad car. Trooper Malafa believed

that if the gunman was on foot, the gunman would be approaching Trooper Malafa's position from the area of Trooper Malafa's squad car.

8. Trooper Malafa did not recall any law enforcement being stationed at the Scandia Hotel during this timeframe.
  9. Trooper Malafa stated that Trooper Malafa was never informed of the correct location of MARCUS SCHUMACHER's residence until after Trooper Malafa cleared the scene.
  10. Trooper Malafa stated that it was shortly after Trooper Malafa retreated to the south and east, Trooper Malafa observed the Red River Valley SWAT (Special Weapons and Tactics) Team's BearCat vehicle approach the Sanford Same Day Surgery building. A short time later, Trooper Malafa heard the "officer down" call over the radio. The BearCat departed quickly after the announcement.
  11. Trooper Malafa stated that he heard multiple rounds of gunfire and gas canisters being fired over the course of the next several hours. Trooper Malafa stated that he believed he heard two (2) shots being fired from a sniper; due to the location and obviously larger bored rifle. Trooper Malafa believed he heard two (2) different locations of gas canisters being deployed.
  12. Trooper Malafa stated that during the course of the incident, Trooper Malafa believed there were two (2) different calibers being fired from the MARCUS SCHUMACHER residence. Trooper Malafa stated it sounded like shots were being fired to the north and south of MARCUS SCHUMACHER's residence.
  13. Trooper Malafa stated he was relieved around 12:30 a.m., and 1:00 a.m.
  14. This investigation continues.
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#### **Description and Custody of Evidence:**

1. None as a result of this report.
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#### **Attachments:**

1. Hand drawn sketch/diagram of Trooper Adam Malafa's account (1 Pg), 02-12-2016
  2. One (1) CD-R containing the audio-recorded interview of NDHP Trooper Adam Malafa
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#### **Adults:**

#### **SCHUMACHER, MARCUS**

Aliases:  
, EDDIE

, MARC  
Height: 5'10"  
Weight: 200  
Hair Color: Brown  
Eye Color: Blue  
Race: White  
Gender: Male  
Description:  
Deceased February 11, 2016  
Drivers Licenses:  
[REDACTED] (North Dakota)  
Birth Dates/Ages:  
[REDACTED]  
Relationships:  
Home - 308 9th Ave N Fargo ND 581013754 Cass

**Malafa, Adam Melvin**

Gender: Male  
Description:  
Witness  
Birth Dates/Ages:  
[REDACTED]  
Relationships:  
Employer - North Dakota Highway Patrol

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**Organizations:**

**North Dakota Highway Patrol**

Type: Government  
Description: Mentioned  
Relationships:  
Employee - Malafa, Adam Melvin

**Cass County Sheriff's Office**

Type: Government  
Description: Mentioned

**Sanford Health**

Type: Hospital  
Description: Mentioned

**Scandia Hotel**

Type: Services  
Description: Mentioned

**Sanford Same Day Surgery Center**

Type: Hospital  
Description: Mentioned  
Phone Numbers:

(701)234-3951 (Work)

**Red River Valley SWAT (Special Weapons and Tactics) Team**

Type: Government  
Description: Mentioned

**Locations:**

**308 9th Ave N, Fargo, North Dakota 581013754**

County: Cass

Relationships:

Home - SCHUMACHER, MARCUS