

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 1

**Author:** Scarbro, James H

**Activity Date:** 01/05/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/09/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Request for Investigation

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]  
(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

This investigation was predicated on January 5, 2023, upon request of the 20<sup>th</sup> Judicial District, District Attorney General (DAG) Glenn Funk. The scope of this investigation is to ascertain the facts and circumstances surrounding the officer-involved shooting which resulted in death of MARK JASON CAPPS at his residence located at [REDACTED], Hermitage, Davidson County, Tennessee.

JHS/mcw

DIRECTOR  
TENNESSEE BUREAU OF INVESTIGATION  
NASHVILLE, TENNESSEE

DATE: 1/6/2023

Dear Director:

I hereby request the Tennessee Bureau of Investigation to investigate the following case which occurred in my judicial circuit:

TYPE OF INCIDENT & DATE: Officer Involved Shooting, January 5, 2023

LOCATION OF INCIDENT: [REDACTED], Hermitage, Davidson County, Tennessee

DECEASED: Mark Capps

SUBJECT'S NAME(S): MNPD Officer

SYNOPSIS OF FACTS:


Deceased was being served outstanding warrants. TBI assistance requested pursuant to current MOU.

For further information contact: Roger Moore, Deputy District Attorney, 615-862-5537,  
[RogerMoore@jnsnashville.gov](mailto:RogerMoore@jnsnashville.gov)

This case is assigned to:

TBI Case No.:

Sincerely,

  
Glenn R. Funk  
District Attorney General  
20<sup>th</sup> Judicial District

If oral, request made on the **5th** day

Of January, **2022** \_\_\_\_\_

\_\_\_\_\_  
Special Agent

Copy—TBI File, Copy—District Attorney General's File, Copy—Agent's Copy

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 2

Author: Scarbro, James H

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/09/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Preliminary Investigative Report

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]  
(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023, the District Attorney General (DAG) for the 20<sup>th</sup> Judicial District, Glenn Funk, requested the Tennessee Bureau of Investigation (TBI) investigate an officer involved shooting (OIS) that occurred at [REDACTED] Hermitage, Davidson County, Tennessee. The OIS event involved Metro Nashville Police Department (MNPd) SWAT member ASHLEY KENDALL COON. The shooting resulted in CAPPS being struck at least once and after subsequent first aid attempts by officers and medical personnel, he was pronounced dead at the scene. The incident occurred at approximately 2:00 PM in Hermitage, Davidson County, Tennessee.

On Thursday, January 5, 2023, at approximately 2:40 PM Special Agent (SA) James Scarbro received a call from Assistant Special Agent In-Charge (ASAC) Nathan Neese. ASAC Neese advised there was an officer involved shooting that had occurred at [REDACTED] in Hermitage and District Attorney General Glenn Funk requested the Tennessee Bureau of Investigation (TBI) to investigate the facts and circumstances leading to the shooting.

SA Scarbro arrived at [REDACTED] Hermitage at approximately 3:18 PM and made contact with Special Agent in Charge (SAC) Joe Craig. Other TBI agents present at that time were SA Andy Vallee and SA Eric Reed. SAC Craig explained that Metro Nashville Police Department (MNPd) representative Lieutenant Brent Gipson reported that the Special Response Team (SRT) had been requested to serve arrest warrants for CAPPS. SA Scarbro learned that Tara Capps, McKenzie Acuff, and Noah Silva were in the home very early Thursday morning (3:00 AM), when CAPPS gathered everyone in the living room and held them at gun point refusing to let them leave or call anyone. CAPPS was reportedly drinking and taking medications and threatening to kill them or anyone who came to the house, but he eventually fell asleep giving them time to leave and go to the police department. SA Vallee obtained copies of the four arrest warrants charging CAPPS with Aggravated Assault and Kidnapping and provided those to SA Scarbro.

Initial reports were that three members of the SRT were at the front door of [REDACTED] when CAPPS opened the door and pointed a pistol at officers. The three officers were Officer ASHLEY KENDALL COON, Officer Tim Brewer, and Officer Jason Rader. Officer COON is the officer who fired his weapon. The two victims listed in the arrest warrants (Capps and Acuff) were still located at the police department, and death notification to Tara Capps was completed by MNPd.

At approximately 3:35 PM, SA Chris Houk began taking photographs of the crime scene and officers' uniforms.

At approximately 3:45 PM SA Scarbro attempted to take statements from officers COON, Brewer, and Rader but all three declined until they could speak with their attorney's. Officer's Rader and Brewer agreed to provide limited information to agents processing the crime scene with their attorney present, Jack Byrd, so that agents had an understanding of exactly where the shooting took place and what evidence items may be present and required collection.

At approximately 4:10 PM SA Scarbro collected the rifle belonging to Officer COON for firearms testing. A property receipt was prepared and documented the collection.

At approximately 4:30 PM SA Reed began conducting a neighborhood canvas to collect any witness statements.

At approximately 4:34 PM, SA Houk, SA Vallee, and SA Scarbro began marking and collecting evidence items from the crime scene. After evidence items were marked, the Metro Nashville Community Oversight (MNCO) Board members requested to walk through and see the crime scene. SA Scarbro stood at the edge of the crime scene tape and pointed out evidence items to Jill Fitchard and MNCO investigators. (Refer to the MNPd crime scene log which documented all who entered the crime scene tape)

At approximately 5:45 PM SA Houk, with assistance from SA Scarbro and SA Vallee, completed processing the crime scene. At approximately 5:50 PM SA Scarbro locked the front door of [REDACTED] and released the crime scene to MNPd Officers.

The Tennessee Bureau of Investigation is conducting the investigation into the officer involved shooting that resulted in the death of MARK JASON CAPPS. The investigation is ongoing and is being conducted by TBI Special Agent James Scarbro. All supplemental reports and investigative findings will be forwarded to this case file as they are developed.

JHS/mcw



From information and observation, the following descriptive data was noted:

Name: Mark Jason Capps

Race: White

Sex: Male

DOB: [REDACTED]

SSN: [REDACTED]

OLN: [REDACTED]

Home Address: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 3

**Author:** Scarbro, James H

**Activity Date:** 01/05/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/09/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - MNPD Arrest Warrants

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023, Special Agent (SA) James Scarbro received from SA Andy Vallee copies of the search arrest warrants obtained by Metro Nashville Police Department (MNPD) CID detectives for MARK CAPPS. The arrest warrants (GS987010, GS987011, GS987012, GS987013) were for Aggravated Assault and Aggravated Kidnapping of Tara S Capps and Mollie M Acuff.

A copy of each of the arrest warrants are included in the case file as separate reports.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 4

**Author:** Scarbro, James H

**Activity Date:** 01/05/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/09/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Document - Metro Arrest Warrants - Capps

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

Capps.pdf

PROSECUTOR: Patrick William Lancaster

DEFENDANT: Mark J Capps

VICTIM: MOLLIE M ACUFF

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
AFFIDAVIT

Kidnapping- Agg.- Threat of Weapon/Possess Weapon  
39-13-304(a)(5)

Personally appeared before me, the undersigned, [Select one]   X   Commissioner        Metropolitan the prosecutor named above and made oath in due form of law that [Select one]   X   he        she [Se observed   X   has probable cause to believe that the defendant named above on 01/05/2023 in knowingly remove or confine the victim named above unlawfully, so as to interfere substantially with while the defendant [Select one]        was in possession of a deadly weapon   X   threatened the use of

*The probable cause is as follows:*

On 01/05/2023 I responded to hermitage precinct at 1030 hours. The victim and her mother had come i report that her stepfather, the defendant, had woken them up at 0300 hours along with her boyfriend an the living room. the victims then stated he held them at gunpoint using a Taurus Judge Revolver and re leave. The defendant told them multiple times that if they attempted to call anyone, he would kill all of pet dogs. the victim stated the defendant sat across from the victims repeatedly brandishing the firearm other handguns and laid them on the cushion next to him. He continued to yell at them and throw objec house. The victim stated at some point later in the morning the defendant had her and her mother go int he sat on the bed with the firearms and continued to make demands for her mother to admit to her treat throughout their relationship. The victim stated that he was heavily intoxicated, drinking alcohol and ta medications through out the night. At approximately 1000 hours the defendant fell asleep on the bed ar mother were able to retrieve their pets and flee the home going directly to Hermitage Precinct.

E. Signature

Prosecutor: Patrick William Lancaster [REDACTED]  
600 Murfreesboro Road {STATION\_ASSIGNED}

Nashville, Tennessee 37210

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ARREST WARRANT

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Capps.pdf  
PROSECUTOR: Patrick William Lancaster  
DEFENDANT: Mark J Capps  
VICTIM: MOLLIE M ACUFF

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
AFFIDAVIT

Assault, Aggravated - Deadly Weapon - Int/Kn  
39-13-102

Personally appeared before me, the undersigned, [Select one] X Commissioner \_\_\_ Metropolitan  
the prosecutor named above and made oath in due form of law that [Select one] X he \_\_\_ she [Se  
observed X has probable cause to believe that the defendant named above on 01/05/2023 in  
*unlawfully* [Enter brief description of the offense] Threatened the victim with a handgun.

and that *the probable cause is as follows*:

On 01/05/2023 I responded to hermitage precinct at 1030 hours. The victim and her mother had a  
report that her stepfather, the defendant, had woken them up at 0300 hours along with her boyfriend a  
the living room. The victims then stated he held them at gunpoint using a Taurus Judge Revolver and  
leave. The victim stated that the defendant repeatedly pointed the handgun at each person while makin  
told them multiple times that if they attempted to call anyone, he would kill all of them along with their

E-Signature

Prosecutor: Patrick William Lancaster [REDACTED]  
600 Murfreesboro Road {STATION\_ASSIGNED}  
Nashville, Tennessee 37210

---

ARREST WARRANT

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Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid,  
of Assault, Aggravated - Deadly Weapon - Int/Kn C FELONY, as aforesaid, has been committed and  
thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defend  
the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 01/05/2023 13:53:51

PROSECUTOR: Patrick William Lancaster

DEFENDANT: Mark J Capps

VICTIM: Tara S Capps

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
AFFIDAVIT

Assault, Aggravated - Deadly Weapon - Int/Kn  
39-13-102

Personally appeared before me, the undersigned, [Select one] X Commissioner \_\_\_ Metropolitan the prosecutor named above and made oath in due form of law that [Select one] X he \_\_\_ she [Se observed X has probable cause to believe that the defendant named above on 01/05/2023 in *unlawfully* [Enter brief description of the offense] Threatened the victim with a handgun.

and that *the probable cause is as follows:*

On 01/05/2023 I responded to hermitage precinct at 1030 hours. The victim and her daughter had come report that her husband, the defendant, had woken them up at 0300 hours along with her daughter's boy everyone in the living room. The victims then stated he held them at gunpoint using a Taurus Judge Re allow them to leave. The victim stated that the defendant repeatedly pointed the handgun at each person threats. The defendant told them multiple times that if they attempted to call anyone, he would kill all c their pet dogs.

E:Signature

Prosecutor: Patrick William Lancaster [REDACTED]  
600 Murfreesboro Road {STATION\_ASSIGNED}

Nashville, Tennessee 37210

---

ARREST WARRANT

---

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, of Assault, Aggravated - Deadly Weapon - Int/Kn C FELONY, as aforesaid, has been committed and thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defend the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Capps.pdf

PROSECUTOR: Patrick William Lancaster

DEFENDANT: Mark J Capps

VICTIM: Tara S Capps

STATE OF TENNESSEE, COUNTY OF DAVIDSON  
AFFIDAVIT

Kidnapping- Agg.- Threat of Weapon/Possess Weapon  
39-13-304(a)(5)

Personally appeared before me, the undersigned, [Select one] X Commissioner      Metropolitan      the prosecutor named above and made oath in due form of law that [Select one] X he      she [Sel observed X has probable cause to believe that the defendant named above on 01/05/2023 in knowingly remove or confine the victim named above unlawfully, so as to interfere substantially with while the defendant [Select one]      was in possession of a deadly weapon X threatened the use of

*The probable cause is as follows:*

On 01/05/2023 I responded to hermitage precinct at 1030 hours. The victim and her daughter had come report that her husband, the defendant, had woken them up at 0300 hours along with her daughter's boy everyone in the living room. the victims then stated he held them at gunpoint using a Taurus Judge Rev allow them to leave. The defendant told them multiple times that if they attempted to call anyone, he w along with their pet dogs. the victim stated the defendant sat across from the victims repeatedly brandis retrieved multiple other handguns and laid them on the cushion next to him. He continued to yell at ther throughout the house. The victim stated at some point later in the morning the defendant had her and he bedroom while he sat on the bed with the firearms and continued to make demands for her to admit to h throughout their relationship. The victim stated that he was heavily intoxicated, drinking alcohol and tal medications through out the night. At approximately 1000 hours the defendant fell asleep on the bed an daughter were able to retrieve their pets and flee the home going directly to Hermitage Precinct.

I Signature

Prosecutor: Patrick William Lancaster [REDACTED]  
600 Murfreesboro Road {STATION\_ASSIGNED}

Nashville, Tennessee 37210

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ARREST WARRANT

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# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 5

Author: Scarbro, James H

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/09/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Recovery of Evidence - Capps iPhone

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023, at approximately 5:19 PM Special Agent (SA) James Scarbro collected a black iPhone that appeared to belong to MARK JASON CAPPS. After the shooting, emergency medical personnel placed CAPPS in the back of an ambulance and attempted to resuscitate him. Medical personnel were unable to resuscitate CAPPS, and he remained in the ambulance until the medical examiner arrived.

At approximately 4:55 PM, the death investigator from the Nashville Medical Examiner's (ME) office, Megan Whitesell, arrived to process the remains for transport to an autopsy. Investigator Whitesell took photographs and moved the remains from the ambulance to the ME transport vehicle. While taking photographs of injuries, Investigator Whitesell found a black iPhone in the pajama pants worn by CAPPS. SA Scarbro took custody of this phone and signed a property receipt documenting the transfer.

JHS/mcw



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 6

Author: Scarbro, James H

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/09/2023

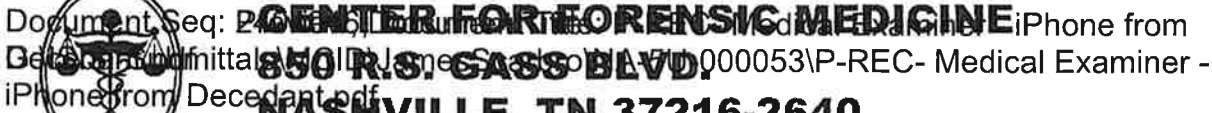
SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Property Receipt - Medical Examiner - iPhone from Decedant

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



PLEASE F

SIGNATUR

**(615) 743-1890**

**Date:** 12/13

**MEC:** 22-00

**Decedent Name:** Charles Mark

**Complaint#:** \_\_\_\_\_

**DESCRIPTION:** (1) Sampled

**FROM**

TO

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 7

Author: Scarbro, James H

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/09/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Recovery of Evidence - MNPB Body Worn Camera Video

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023, at approximately 6:25 PM Special Agent (SA) James Scarbro received a series of emails from Lieutenant Samuel Tetterton from the Metro Nashville Police Department (MNPB). The emails contained a purpose release form for signature and a link to download body worn camera video from Officer's COON, Rader, and Brewer showing the events of the officer involved shooting at [REDACTED] Hermitage.

A separate email had been sent with the password needed to conduct this download.

For further information, please refer to the complete audio/video recordings in the investigative case file.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 8

**Author:** Scarbro, James H

**Activity Date:** 01/05/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/09/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Document - Metro BWC Release Form - Signed

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 9

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/10/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Investigative Activity - Crime Scene Evidence Submission

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]  
(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023, Special Agent (SA) James Scarbro submitted 4 fired cartridge casings and 1 Colt rifle [REDACTED] to the Nashville Crime Lab for forensic analysis. The lab request form and property receipts are included in the case file as separate reports.

The Taurus revolver collected in this case was submitted to the MID CID vault for storage.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 10

Author: Scarbro, James H

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/10/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Request for Examination - Crime Scene Items

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

**TENNESSEE BUREAU OF INVESTIGATION**  
**Forensic Services Request for Examination - VCRT (Use of Force)**

Nashville  
901 RS Gass Blvd.  
Nashville, TN 37216-2639  
615-744-4000

Knoxville  
1791 Neals Commerce Ln  
Knoxville, TN 37914  
865-549-7800

Ja

COMPLETE ALL SECTIONS OF FORM EXCEPT SHADED AREAS

FROM: SA James Scarbro

Officer Email: james.scarbro@tbi.tn.gov

TBI

Requesting Officer (case assigned)

Agency Case No: NA-50

901 R.S. Gass Blvd

Requesting Agency

County of Offense: Davidson

Address

Nashville, TN

37216

City

ZIP

Type of Offense: Officer Involved

Phone: ( )

Date of Offense: 1/5/2023

Other	Sex	Race	Date of Birth	Law Enforcement Officer	S
Mark J Capps	M	W		Ashley Kendall Coon	

Statement of Facts: During the execution of an arrest warrant at Hermitage, TN MNPD :

LAB ONLY	Item Number	Description of Evidence	W
	1	Colt M4 Rifle (5.56) (Coon)	
	2	Cartridge Case (fired) (Marker 1)	Front Door area
	3	Cartridge Case (fired) (Marker 2)	Front door area
	4	Cartridge Case (fired) (Marker 3)	Front Door area

Examination

Requested: Fire Arms Testing

Has other evidence been submitted on this case?

YES ☐ NO ☒, Lab No. \_\_\_\_\_

I certify this evidence is associated with a criminal or delinquent case.

Signature: \_\_\_\_\_

Submitted by: SA James Scarbro

**FOR VCRT USE ONLY**

Type of packaging:

☒ Contents NOT verified at the time of receipt

☒ Gun Check OK

Initials/Date

Initials/Date

Received by: \_\_\_\_\_

Received from: \_\_\_\_\_

Date Received: \_\_\_\_\_

**LAB #**

## Statement of Facts, Remarks:

to breach the front door after announcing and calling out Mr. Capps for Aggravated Assault and Kidnap

attempted to come out the front door pointing a gun at officers. Officer Coon fired four shots and Mr. Capps v

[illegible]



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 11

Author: Scarbro, James H

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/10/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Document - Forensic Division UoF Sheet

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



# TENNESSEE BUREAU OF INVESTIGATION FORENSIC SERVICES

## Officer Involved Shooting / Use of Force Supplemental Information for Law Enforcement

The questions listed below are designed to facilitate the proper testing sequence of law enforcement personnel involved in the Forensic Services Division.

Please answer the questions to the best of your knowledge based on the facts known at the time of the incident. If the questions you deem pertinent to the investigation are still not known, please alert the Violent Crime Response Unit Forensic Technician in the Evidence Receiving Unit as soon as possible.

Name of Officer: MNPD Officer Kendall Coon

Make: Colt

Model: M4

Serial Number: [REDACTED]

1. Do you have reason to believe the listed firearm was handled in any manner by a non-law enforcement participant during this incident? Was an attempt made by any non-LE participant to grab the firearm?  
Yes ☐ No ☒

If so, please describe the circumstances below (e.g., struggle, close contact, grab attempt in hand, etc.)

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2. Was the listed firearm handled without gloves by law enforcement personnel during collection of the firearm? Yes ☐ No ☒

If yes, by whom \_\_\_\_\_

3. Is there visible blood on the firearm? Yes ☐ No ☒

4. Is electronic media (e.g., body cam, dash cam, surveillance video) available that may clarify the incident above? Yes ☒ No ☐

Miscellaneous Notes:

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# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 12

Author: Scarbro, James H

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/10/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Property Receipt - Crime Scene Items 1.5.23

(LE-A) ASHLEY KENDALL COON, W/M, DOB [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



RECEIPT / RELEASE FORM

TBI Case # NA-5U-000053 (If Applicable)

Date: 1/5/23

TBI CI # \_\_\_\_\_ (If Applicable)

On the above date, SA James Scarbro, received from \_\_\_\_\_  
Print Name of Receiver Print Name of Donor

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau

No.	Quantity	Description of Items
1	1	Cert. Case
2	1	Cart Case
3	1	Cart Case
4	1	Cart Case
5	1	Pistol/Taurus Judge (5shots 4/10)
6	1	Black iphone

1. \_\_\_\_\_  
Released By:

\_\_\_\_\_  
Title (Print)

James Scarbro  
Released To:

[Signature]  
Title (Print)

Contin

Date: 1/5/23

TBI CI # \_\_\_\_\_ (If Applicable)

On the above date, SA James Seabro, received from Kend  
 Print Name of Receiver Print Name

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation.

[illegible]

1/5/23

Continu

1. Ashley Kendall Coors

Released By:

۱۲۸۰

Title (Print)

Tumor Section TBI

Released To:

4:10 PM

Title (Print)

Am. on ball -

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 13

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/10/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Property Release - Crime Scene Items to Lab

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



TENNESSEE BUREAU OF INVESTIGATION

RECEIPT / RELEASE FORM

TBI Case # NA-5U-000053 (If Applicable)

Date: 1/6/23

TBI CI # \_\_\_\_\_ (if Applicable)

On the above date, Leslie Hall received from SA James Scarbro  
Print Name of Receiver Print Name

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of

No.	Quantity	Description of Items
1	1	Colt M4 Rifle (5.56) (Coon)
2	1	Cartridge Case (5.56) (Marker 1)
3	1	Cartridge Case (5.56) (Marker 2)
4	1	Cartridge Case (5.56) (Marker 3)
5	1	Cartridge Case (5.56) (Marker 4)

Contin

1.

Released By:

1/6/23 9:50 AM

Title (Print)

Released To:

Leslie Hall  
Forensic Technician

Title (Print)

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 14

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/10/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Property Release - Taurus Revolver

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]





TENNESSEE BUREAU OF INVESTIGATION

RECEIPT / RELEASE FORM

TBI Case # NA-5U-000053 (If Applicable) Date: 1/6/23

TBI CI # \_\_\_\_\_ (if Applicable)

On the above date, Leslie Hall, received from SA James Scarbro  
Print Name of Receiver Print Name of Donor

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation

No.	Quantity	Description of Items	
1	1	Taurus Judge (Revolver)	

Continued

1. [Signature]  
Released By:

1/10/23 9:50 AM  
Title (Print)

Leslie Hall  
Released To:

Forensic Technician  
Title (Print)

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 15

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/10/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Interview - Telephone - Tracey West

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]  
(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023, at approximately 11:30 AM Special Agent (SA) James Scarbro contacted TRACEY WEST at [REDACTED] after he had telephoned the Metro Nashville Police Department (MNPd) advising that he had information concerning this investigation.

WEST explained that he was the former roommate of Jeff Capps who was discovered deceased two days prior to the death of his brother MARK CAPPS. He explained that CAPPS and his brother Jeff had been arguing for a while. According to WEST, Jeff Capps told him that he did not think he had received the inheritance he was supposed to when their father passed away. WEST said he talked to MARK CAPPS after learning of Jeff's death and MARK told him that there was no foul play. WEST claimed that he didn't know the truth and was concerned because he knew Jeff used drugs.

Sometime before Jeff died, WEST said he called to tell him that he and his brother, MARK CAPPS, got into an argument and MARK sent him a video that showed he was holding a gun to his head. According to WEST, Jeff Capps believed his brother MARK CAPPS was going to kill himself. WEST stated that he did not see this video, but Jeff told him about it.

WEST advised that he talked to MARK CAPPS on Wednesday and MARK confirmed that he did send a video of him holding a gun to his head to his brother, but it was because he wanted to show his brother, JEFF, "realism" because that is what Jeff understood.

According to WEST, a woman named Colene Walters contacted him via social media and told him that she saw guns and knew MARK CAPPS was threatening to kill himself. She claimed to have had a screen shot from MARK early Thursday morning. WEST advised that he did not know Walters and had never met her before.

JHS/mcw

**(AGENTS NOTE: The phone recording of WEST's message to MNPd will be kept in the investigative working case file and a copy provided to the DA's office upon request.)**

From information and observation, the following descriptive data was noted:

Name: Charles Tracey West

Race: White

Sex: Male

DOB: [REDACTED]

SSN: [REDACTED]

OLN: [REDACTED]

Home Address: [REDACTED]

Cell Phone: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 16

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/09/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Investigative Activity - Autopsy - Capps

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023, Special Agent (SA) James Scarbro responded to the Davidson County Medical Examiner's Office located at 850 R.S. Gass Boulevard in Nashville, Tennessee. The purpose of this visit was to attend the autopsy of MARK JASON CAPPS. The doctor performing the autopsy was Dr. Shannon Crook. The autopsy began at approximately 12:35 PM.

Dr. Crook's preliminary assessment noted superficial injuries and what appeared to be three gunshot wounds on CAPPS. Two gunshot wounds were located on upper left chest area and one in the lower chest upper stomach area. Finally, Dr. Crook noted some superficial injuries and after asking SA Scarbro questions concerning the scene, she surmised they may have been caused by the glass from the storm door during the shooting. Dr. Crook recovered three projectiles during the autopsy.

Dr. Crook advised that her preliminary cause and manner of death would be pending more investigation at this point. The autopsy was concluded at approximately 1:30 PM.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 17

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/10/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - Etrace and Firearms Transaction Records

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023, Alcohol Tobacco and Firearms Special Agent (SA) Kurt Wiest provided assistance to the TBI during an Officer Involved Shooting (OIS) investigation in Davidson County, Tennessee. A firearm collected during an OIS event at [REDACTED] in Hermitage was a Taurus, Judge revolver serial number [REDACTED]. While processing the crime scene agents collected this firearm. The serial number was recorded and provided to SA Wiest who then submitted an Etrace request for that serial number.

At approximately 1:06 PM SA Scarbro received an email from SA Wiest containing the results of that search which included the Firearms transaction record. The firearm was purchased by MARK JASON CAPPS in 2012.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 18

Author: Scarbro, James H

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/10/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Document - Firearm Trace Results

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

## DEPARTMENT OF JUSTICE

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Document Seq: 2404501, Document Title: DOC - Firearm Trace Results.pdf  
G:\ISIS\_Submittals\MCID\James A. Brown - T20230010096\Firearm Trace Results.pdf

Phone:(800) 788-7133 Fax:(800) 578-7223

Print Date: January 06, 2023



## FIREARMS TRACE SUMMARY

Trace Number: T20230010096

Request Date: January 06, 2023

Completion Date: January 06, 2023

KURT WIEST

NASHVILLE GROUP V - VCIT  
302 INNOVATION DR, SUITE 300  
FRANKLIN, TN 37067  
PHONE: (615) 565-1410 Ext:  
FAX (615) 565-1411

Badge No: [REDACTED]

Investigation No: 776100-23-0001

## FIREARM INFORMATION

Manufacturer: TAURUS

Model: THE JUDGE

Caliber: 45/410

Serial Number: [REDACTED]

Type: REVOLVER

Country: BRAZIL

Importer: TAURUS INTERNATIONAL  
MANUFA...

Obliterated:

Identifying Marks:

NIBIN:

Gang Name:

## RECOVERY INFORMATION

Recovery Date: 01/05/2023

Time to Crime: 3739 days

## PURCHASER INFORMATION

Purchase Date: 10/10/2012

MARK JASON CAPPS

Possessor: MARK JASON CAPPS

DOB: [REDACTED]

POB: UNITED STATES

## DEALER INFORMATION

FFL: 16200080

BASS PRO SHOPS OUTDOOR WORLD #009

323 OPRY MILLS DR

NASHVILLE, TN 37214

Phone: (615) 514-5200  
Ext:

Ship-To-Date: 09/16/2012

DOB: [REDACTED]

POB: NASHVILLE, TN UNITED STATES

Race: WHITE

Height: 6 ft 0 in

Sex: Male

Weight: 218 lbs

ID 1: TN DRIVER'S LICENSE: [REDACTED]

ID 2: SOCIAL SECURITY: [REDACTED]

Contact the local ATF office for additional information.

## ADMINISTRATIVE INFORMATION

## SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A PURCHASER. FOR ANY QUESTIONS, PLEASE CONTACT ATF NATIONAL TRACING CENTER, FIREARMS TRACING BRANCH AT 1-800-788-7133.

## Additional Remarks:

FOR TAURUS SERIALIZATION, UPDATING THE SERIAL NUMBER FROM [REDACTED], ADDING THE CALIBER 45/410, AND ADDING THE MODEL THE JUDGE.

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 19

Author: Henderson, Kendall

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/09/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Interview - Audio - Tara Capps and McKenzie Acuff

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5<sup>th</sup>, 2023, at approximately 4:19 PM, Tennessee Bureau of Investigation (TBI) Special Agent (SA) SA Kendall Henderson interviewed TARA CAPPS and MCKENZIE ACUFF at the Metropolitan-Nashville Police Department (MNPd) Family Safety Center located at 610 Murfreesboro Pike in Nashville, Tennessee. Also present were MNPd Sergeant Door and various victim services personnel. The interview was audio recorded and a copy will be provided to the District Attorney's Office upon request. After proper identification and explanation of the purpose of the interview, TARA CAPPS voluntarily provided an audio recording. The following is a synopsis of that interview:

TARA was advised that TBI Agents would like to obtain consent to search the shared residence of her and her husband, MARK CAPPS. TARA nodded her head yes and asked that Agents do not take her firearms. SA Henderson advised that she has not been to the scene but gave TARA the opportunity to describe her personal firearms. MARK's vehicle is a gold Chevrolet Impala. SA Henderson read the consent to search form aloud prior to having TARA sign it. TARA indicated any firearms in the master bedroom closet were hers. MARK had three firearms in the bottom drawer of the white nightstand on the far-left side of the bedroom. TARA indicated MARK was using a black Taurus Judge and a silver semiautomatic pistol during the incident. TARA did not recall seeing the silver pistol prior to the incident.

MARK has been very depressed over the holidays, starting around Thanksgiving. He normally becomes depressed around Christmas time. His parents passed away a couple of years ago which was very difficult for him. MCKENZIE stated he was taking Ambien, Xanax, possibly some pain killers and mixing them with alcohol which causes him to become very angry. They've never seen his anger escalate to this extent.

MARK struggled with depression to the point where he didn't care for anything. His brother was discovered deceased on January 3<sup>rd</sup>, 2023, a short distance from their residence. MARK and his brother did not get along, but MARK felt his brother's passing was more difficult to grieve than his father's. TARA tried to be supportive of MARK while he was grieving.

Last night, MARK began drinking beer. They don't keep beer in the house because MARK is an alcoholic and becomes mean when he drinks. He bought beer yesterday and drank it in front of TARA. She took it away from him and began pouring it out. MARK took several pills with beer before TARA took it away.



TARA and MCKENZIE stayed up until around 2:00 AM. TARA went to bed and found MARK awake in their bedroom. MCKENZIE was upstairs with her boyfriend, Zachery Noah Silva, who works for TBI. MARK got out of bed in the dark and began rummaging through the nightstand gun drawer where he had recently put three pistols. He ensured they were loaded. She turned on the bedroom light and asked what he was doing, to which he responded with the same question.

TARA became afraid and went to the living room and MARK followed. He began making noise in attempt to wake up MCKENZIE and Zachery. MARK was ranting about everything he was depressed over and everything that caused him to feel negatively. He was upset about his brother dying even though they did not get along. He was angry he and TARA did not have sex on Christmas Eve. MARK told TARA she was not being a good wife and gave her the options of being a good wife or calling the police. TARA explained that calling the police meant that everyone would die because MARK would kill everyone in the house and the police that respond. MCKENZIE was able to record portions of the incident with her phone.

MARK went to the bedroom and came back into the living room with a pistol. He sat it down beside him before picking it back up and pointing it at the dogs, TARA, and MCKENZIE. Zachery was still in bed but was listening to what was going on. MARK placed the gun against the dog's head. TARA and MCKENZIE pleaded for their lives. He continued ranting and claiming that he pays for everything, no one cares about him, and that TARA is too lazy to turn the home security system on. Eventually, he brought in another pistol and explained he would shoot Zachery first, TARA, MCKENZIE, and the three dogs, in that order. MARK said he would also kill any police that respond before killing himself.

Eventually Zachery came downstairs, and MARK ordered them to sit down in front of him. MARK continued threatening to kill them all. MCKENZIE attempted to deescalate the situation and continued to beg for their lives. MARK was unaffected.

This continued until around 5:30 AM. MARK went to their bedroom and TARA went with him. She thought he was going to go to sleep, but he verbally abused her and called her names for a few more hours. TARA knew she was going to file for divorce because she couldn't continue to live this way. MARK continued taking medication and drinking alcohol. He passed out around 8:15 AM. Zachery snuck out of the house around 6:00 AM and went to work. TARA stated she knew Zachery confided in people that he worked with at TBI.

Around 8:15 AM when MARK fell asleep, TARA and MCKENZIE grabbed a few things and their three dogs and left the house. They went to MNPd Hermitage Precinct and filed the complaint to have him arrested. It took some time to obtain the warrant.

Zachery has only worked for TBI for about six months. He was also a victim of the threats. TARA provided the code to the front door of their residence. TARA and MCKENZIE provided their telephone numbers.

Zachery entered the room at the conclusion of the interview and provided his telephone numbers.

The interview was concluded at 4:46 PM. The information above is meant to be a summary only

and not intended to be an exact transcript of the interview. A digital copy of the above-mentioned interview will be maintained by the case agent in his working case file.

KDH/mcw

From information and observation, the following descriptive data was noted:

NAME: TARA SOLOMON CAPPS  
RACE: WHITE  
SEX: FEMALE  
DOB: [REDACTED]  
DL: [REDACTED]  
SSN: [REDACTED]  
ADDRESS: [REDACTED]  
TELEPHONE: [REDACTED]

NAME: MOLLIE MCKENZIE ACUFF  
RACE: WHITE  
SEX: FEMALE  
DOB: [REDACTED]  
DL: [REDACTED]  
SSN: [REDACTED]  
ADDRESS: [REDACTED]  
TELEPHONE: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

**Case # :** NA-5U-000053

**IR # :** 20

**Author:** Henderson, Kendall

**Activity Date:** 01/05/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/09/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Document - Consent to Search - TBI

(LE-A) ASHLEY KENDALL COON, W/M, DOB [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# Tennessee Bureau of Investigation



## Consent to Search

I, Tara Capps, have been informed of my constitutional rights not to have my premises, property or person, as described below, searched or seized without a search warrant; and, of my right to refuse consent to any search. I hereby waive these rights and authorize Agents of the Tennessee Bureau of Investigation (TBI) to conduct a complete search of my premises, property, or person, more particularly described as: (Include physical description, address, identifying numbers, characteristics, etc. of the place, item, or thing to be searched)

[REDACTED]

Vehicle - Gold Impala

left nightstand bottom drawer

Further, Agents of the TBI are permitted, by me the undersigned, to take any items, materials, property, or thing, in whatsoever form found, as they may deem necessary related to the purpose of their investigation.

By signing below, I voluntarily and knowingly give my consent to search, without any threats or promises, by the Special Agent(s) of the TBI as signed below.

Tara Capps TARA CAAPS  
Signature/Print Name

1/5/2023 4:28 PM  
Date/Time

Kendall Henderson / Kendall Henderson  
Agent/Officer Name

1/5/2023  
Date/Time

Sgt. Jason Door (MMPD)  
Witness Name (optional)

1/5/2023 16:29  
Date/Time

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 21

Author: Henderson, Kendall

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/09/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Recovery of Evidence - Video Recordings of Incident - From McKenzie Acuff

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5<sup>th</sup>, 2023, Tennessee Bureau of Investigation (TBI) Special Agent (SA) Kendall Henderson responded to the Metropolitan-Nashville Police Department (MNPd) Family Safety Center, located at 610 Murfreesboro Pike in Nashville, Tennessee. The purpose of this visit was to obtain consent for the search of the residence from Tara Capps.

While SA Henderson was obtaining a statement from Tara Capps and McKenzie Acuff, she learned that there were video recordings of the incident on January 5<sup>th</sup>.

McKenzie Acuff utilized Apple AirDrop to share a twenty-three minute and fifty-nine seconds long video with SA Henderson. After numerous attempts of sharing a video over an hour long, it was determined that a laptop was needed to obtain the video directly from the device.

SA Henderson retrieved her TBI issued laptop and connected the iPhone via USB cord. SA Henderson was able to obtain three more videos. One video was over an hour long. The other two videos were less than a minute long.

These video recordings will be maintained by the case agent in his working case file and made available to the district attorney's office upon request.

KDH/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 22

**Author:** Henderson, Kendall

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/09/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Interview - Audio - Zachery Silva

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6<sup>th</sup>, 2023 at approximately 2:33 PM, Tennessee Bureau of Investigation (TBI) Special Agent (SA) James Scarbro and SA Kendall Henderson interviewed ZACHERY SILVA at TBI Headquarters located at 901 R.S. Gass Boulevard in Nashville, Tennessee. Also present were Silva's supervisors, Special Agent in Charge (SAC) Michael Frizzell and Sergeant Joseph Worthington. The interview was audio recorded and a copy will be provided to the District Attorney's Office upon request. After proper identification and explanation of the purpose of the interview, SILVA voluntarily provided an audio recording. The following is a synopsis of that interview:

SILVA was informed the TBI was requested by the District Attorney's office to investigate the officer-involved shooting that occurred [REDACTED]. He was informed he is not being compelled to give a statement and this interview is completely voluntary.

SILVA is not related to the family. He met his girlfriend, Mollie McKenzie Acuff, in college at the University of Tennessee in Chattanooga in 2018. They've been in a relationship for around five years. He lived at the above-mentioned residence for a couple of months, September of 2022 through October 2022, before buying a house in Lebanon. He was staying the night at the residence because McKenzie was in town from Seattle, Washington. They stay there approximately three to four nights a week due to the proximity to his work. Tara Solomon Capps is McKenzie's mom and CAPPS is McKenzie's stepfather, not her biological father. CAPPS produces music for a living. Tara works from home, possibly for BlueCross BlueShield.

The evening of January 4<sup>th</sup>, Tara, McKenzie, and SILVA attended a gathering at Tara's best friend's house. They were there for about five hours. They left the house around 4:30 PM and arrived at the gathering around 5:30-6 PM. CAPPS did not attend this event. He doesn't go to social events unless he initiates the plans. They returned home around 9:45-10:00 PM. The three of them watched TV on the couch. Around 10:20 PM CAPPS came out of his bedroom to get a beer. He is an alcoholic and SILVA hadn't seen him drink in the last five years. CAPPS bought beer while the three of them were attending the gathering. Tara said he had taken Ambien, Hydrocodone and Xanax. Tara asked him not to drink while taking the medication. CAPPS became upset when Tara poured out the beer and went to his bedroom which is just off the kitchen. SILVA went to bed after CAPPS went into the bedroom around 11:00 PM. He went to sleep and was awakened around 1:30-1:45 AM.

McKenzie was moving around in the bedroom which woke him up. McKenzie and SILVA sleep in the upstairs bedroom. He heard banging downstairs and could hear Tara say something to the effect of "Why do you have the guns". He got dressed and put on his glasses and continued to listen. He did not immediately involve himself. Around 2:00 AM McKenzie exited the bedroom and stayed at the top of the landing which overlooks the living room. SILVA continued to listen.

He could hear CAPPS say something about the alarm system and drug dealers. CAPPS's brother died a few days prior. He said he was trying to protect his family. SILVA has never seen him act this way or even yell before. Shortly after 2:00 AM things went quickly downhill. SILVA stayed in the bedroom and listened because CAPPS told Tara he wanted to shoot SILVA first since he would try and protect McKenzie and Tara. They were yelling back and forth about the alarm system, and the argument continued to escalate. CAPPS swayed from the alarm issue to marital issues. CAPPS accused Tara of having a sexual relationship with SILVA because she laughs at SILVA's jokes and not his. He told McKenzie to wake SILVA up unaware that he was already listening. SILVA overheard CAPPS tell McKenzie that if SILVA contacted law enforcement that everyone would die. CAPPS told Tara that she had three options; She could act like a wife, call the police, or everyone would die that night. At one point CAPPS told Tara and McKenzie that he was going to shoot SILVA first, McKenzie, Tara, the dogs, and himself in that order. He further stated that if the police responded he would shoot them before he shot himself.

McKenzie remained at the top of the landing talking to them, trying to calm CAPPS down. SILVA remained in the bedroom listening. CAPPS and Tara normally sleep together but sometimes she will sleep on the couch. SILVA hadn't seen the guns at this point but did hear statements made that suggested CAPPS had guns. SILVA recalled hearing the revolver being cocked back. SILVA also recalled hearing McKenzie and Tara terrified when CAPPS pointed the guns at them. SILVA heard them make statements such as "Jesus, please don't shoot us". CAPPS continued to ask if SILVA was awake and reiterated that if he saw lights or sirens, he would shoot them.

Eventually, CAPPS directed Tara to tell SILVA to get dressed in his uniform and come downstairs. SILVA stated in the interview, "His exact words were 'Before I wanted to be a fucking hero to let him know not to do anything, otherwise everyone is going to die,'." The arguing continued and CAPPS began throwing objects. SILVA believes CAPPS was trying to wake him up and elicit his response.

SILVA turned off his morning alarms to prevent CAPPS from realizing he was awake. Around 4:10-4:15 AM CAPPS told McKenzie to wake SILVA up within ten seconds or CAPPS would wake him up himself. McKenzie came up and SILVA placed his gun on the ground outside the studio room. Where SILVA was standing, he could see into the living room, but CAPPS wouldn't have been able to see him. He placed his gun on the floor so that if CAPPS ambushed him with gunfire, he could quickly access his gun and return fire. He went to the top of the stairs and saw CAPPS had a silver semiautomatic pistol and a black revolver. CAPPS said, "Look who it is, it's the most important person in the house" to which SILVA responded, "That's not true Mark, this is your house." CAPPS instructed SILVA to come downstairs and ordered the three of them to sit in front of him, and that there were things they needed to discuss. SILVA responded that he was not going downstairs while CAPPS was holding the guns. CAPPS insisted and SILVA again declined. CAPPS pointed a gun at one of the dog's head and told SILVA that if he didn't come downstairs that he was going to shoot the dog. SILVA again said if CAPPS put the guns down,



he would come downstairs. CAPPS set the guns down beside him. After SILVA had sat down in front of him, CAPPS began waving the guns in their direction and towards the dogs.

Tara, McKenzie and SILVA tried to deescalate the situation. CAPPS continued making statements that he felt unappreciated. After a while CAPPS unloaded the revolver which he said was out of respect for SILVA but refused to unload the semiauto as "insurance" so they wouldn't call the police. The pistol laid next to CAPPS. Five cartridges were ejected from the revolver, believed to be a Taurus Judge, and handed to SILVA. Eventually CAPPS asked for the cartridges back. SILVA handed him back four cartridges because one had fallen on the ground. They began searching for the fifth cartridge. CAPPS said if they didn't find the fifth cartridge in the next minute he would begin shooting. They found it and returned it to CAPPS, and he reloaded the revolver.

CAPPS stated that Tara loved the dogs more than him. Near 5:00 AM, CAPPS began asking SILVA what he would do if he put a gun to McKenzie's head. SILVA stated that he wouldn't do anything. CAPPS asked if SILVA had his gun and taser which SILVA replied were upstairs. CAPPS asked what SILVA would do if he allowed him to retrieve his gun and taser, to which he replied he wouldn't do anything because he believes CAPPS is a good man. SILVA told CAPPS he was a good man and wasn't like the criminals on the street. He further stated that he knew CAPPS wouldn't do anything to harm someone he loves. SILVA continued to try and boost CAPPS' self-esteem.

CAPPS indicated he was going to put the guns away in the bedroom and asked SILVA if he wanted to accompany him. SILVA declined and said he trusted CAPPS. When he returned, he asked SILVA to pat him down to which SILVA checked his waistband and found no weapon. When CAPPS went to the bedroom, SILVA asked Tara and McKenzie if they wanted him to call the police. They both said no. SILVA figured that if police responded CAPPS would shoot them.

CAPPS sat back down and continued ranting until about 5:30 AM. CAPPS said his career was the worst it had been since 9/11. CAPPS' brother whom he did not get along with died a few days prior. CAPPS indicated to them that his brother's death was more difficult for him than his dad passing away. He travelled to Norway and struggled to sleep. He returned to the United States and his blood pressure was high. He has been taking medicine but feels like he can't do anything. He believed his music was garbage. CAPPS was supposed to go on tour with The Isaac's gospel group, but the lead singer was in a car accident the tour was cancelled, leaving CAPPS without work. He continued to say Tara didn't love him and was using him for his money.

Just before CAPPS went to bed, he asked SILVA not to report the incident at work. SILVA told him he wouldn't do that and made CAPPS believe he didn't have any power outside of work. SILVA tried to reassure CAPPS he hadn't done anything wrong. As CAPPS went to bed, he stated that he was either going to wake up in a jail cell, he would wake up and everything will be the exact same, or he wouldn't wake up at all. SILVA told CAPPS he was going to work, and CAPPS said okay. McKenzie and SILVA hugged CAPPS and CAPPS and Tara went to bed.

SILVA left for work around 5:30-5:40 AM and continued communication with McKenzie. SILVA left the house in uniform in attempt to convince CAPPS nothing was wrong and that was simply his routine. SILVA and McKenzie texted and they spoke on the phone every fifteen minutes or so. CAPPS fell asleep around 8:30 AM. McKenzie and Tara told SILVA just before he fell asleep, he was slurring his words. Once CAPPS fell asleep, they grabbed a few things and went

to the Metropolitan-Nashville Police Department Hermitage Precinct. McKenzie and Tara were in the process of getting an order of protection and warrants were obtained but they didn't know when the warrants would be served.

Christmas Day CAPPS was out of it and was basically asleep Christmas morning while they opened gifts.

In total, SILVA observed CAPPS point a weapon towards them or the dogs between ten and fifteen times. SILVA believes CAPPS wanted to kill himself but also wanted to take their lives as well. He believed CAPPS wanted to die before he went to jail because going to jail was the end of his career.

SILVA believed that if he contacted law enforcement while CAPPS was putting the guns away, he would just return to the bedroom and retrieve the guns. CAPPS said if anyone called the police, he was going to shoot everyone. SILVA was hoping when CAPPS put the guns away that he was going to sleep and would "sober up". He thought CAPPS was having a drunken/drugged rampage. As soon as CAPPS went to sleep, Tara and McKenzie went to Hermitage Precinct. SILVA has no knowledge of Tara having an affair if she was. CAPPS accused Tara of both having a "lesbian relationship" with her best friend and also a sexual relationship with SILVA, neither of which made sense.

SILVA was not familiar with guns in the drawer in the upstairs bedroom where he and McKenzie sleep.

When SILVA left the residence, he went to work at TBI headquarters. He continued communicating with McKenzie by calls and text messages. McKenzie told him she could hear Tara and CAPPS talking in the bedroom after he left. When the news reported the incident McKenzie called SILVA and he was released from work. He went to the Metro-Nashville Police Department Family Safety Center to be with McKenzie and Tara. They spoke with victim-services personnel. CAPPS's stepmother Michelle Capps was at the family safety center later that evening along with a Chaplain.


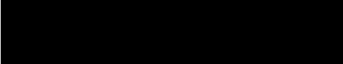
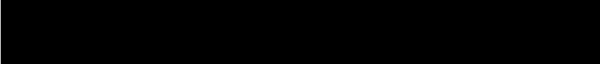


CAPPS had a surveillance camera in the living room and one in the driveway. SILVA is not sure if the living room camera works but if so, it would have recorded the entire incident. CAPPS is the only one with access to the surveillance system on his phone.

Once CAPPS woke up and realized McKenzie, Tara, and the dogs were gone, CAPPS texted McKenzie and instructed her to call him within five minutes. This was followed by a video of him pointing a gun at her bed. SILVA told her to ignore the texts. Tara also received a text from CAPPS demanding her to call him within five minutes. This was followed by a video of CAPPS using a hatchet to destroy a spinning wheel Tara received from her great grandmother. In that video, sirens can be heard in the background.

The interview was concluded at 3:09 PM. The information above is meant to be a summary only and not intended to be an exact transcript of the interview. A digital copy of the above-mentioned interview will be maintained by the case agent in his working case file.

KDH/mcw

From information and observation, the following descriptive data was noted:

NAME: ZACHERY NOAH SILVA  
RACE: WHITE  
SEX: MALE  
DOB:   
DL:   
SSN:   
ADDRESS:   
TELEPHONE: 

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 23

Author: Reed, Eric

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/06/2023

SAC/ASAC: Neese, Nathan L

Approved By: Savley, Joshua Paul

Description: Interview - Oral - Elizabeth Macias and Rosa Macias

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023 at approximately 4:36 p.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed spoke to the neighbors, ELIZABETH MACIAS and her sister ROSA MACIAS, of MARK CAPPS. SA Reed spoke with ELIZABETH and ROSA MACIAS at their address located at [REDACTED]. The reason for speaking with the two was to see if they witnessed any portion of the officer involved shooting incident that occurred at CAPPS's address, located at [REDACTED] and if CAPPS had displayed any type of unusual type of behavior before the officer involved shooting incident occurred. After proper identification and explanation of the purpose of the brief interview, ELIZABETH and ROSA MACIAS voluntarily provided the following statement. Beneath is a synopsis of ELIZABETH and ROSA MACIAS's statement:

Both ELIZABETH and ROSA MACIAS were at home when they observed the Metro Police Department outside of their house. ELIZABETH advised she heard sawing and when she looked outside, she saw the police was sawing her fence. ELIZABETH and ROSA MACIAS then heard a knock at the door, so they answered. They were informed by an officer to stay inside of their residence and away from the right side of their house. Both advised they did so.

As ELIZABETH and ROSA MACIAS were inside, they heard yelling outside, but they could not make out what was being said. They then heard three loud bangs, but they weren't sure what it was. When asked if they ever spoke to CAPPS, ELIZABETH advised that she had, and she had an unpleasant interaction with him. She felt he was very pushy. ELIZABETH advised this happened a while ago. SA Reed asked ELIZABETH and ROSA MACIAS if they observed any strange behaviors from the residents recently, and both ELIZABETH and ROSA MACIAS advised on January 3<sup>rd</sup> and 4<sup>th</sup>, 2023, they saw CAPPS pacing and texting outside of their house. They advised CAPPS was wearing plaid pajama pants with a black jacket on. CAPPS appeared to have had a lot going on.

SA Reed asked ELIZABETH and ROSA MACIAS who they have seen living at CAPPS's house and they advised two other females, one older and one younger. They did not interact with them though. They advised there is usually three vehicles parked at the residence, one black sedan, one black SUV, and one silver Impala. They did not hear anything the night prior to the shooting either. This concluded the statement.

ELR/mcw

From information and observation, the following descriptive data was noted:

NAME: Elizabeth Macias

RACE: Hispanic

SEX: Female

DOB:

DL:

SSN:

ADDRESS:

TELEPHONE:

NAME: Rosa Macias

RACE: Hispanic

SEX: Female

DOB:

DL:

SSN:

ADDRESS:

TELEPHONE:

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 24

Author: Reed, Eric

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/06/2023

SAC/ASAC: Neese, Nathan L

Approved By: Savley, Joshua Paul

Description: Interview - Oral - Faye Rogers

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023 at approximately 4:32 p.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed spoke to the neighbor, FAYE ROGERS, of MARK CAPPS. SA Reed spoke with ROGERS at her address located at [REDACTED]. The reason for speaking with ROGERS was to see if she observed any portion of the officer involved shooting incident that occurred at CAPPS's address, located at [REDACTED], and if CAPPS had displayed any type of unusual type of behavior before the officer involved shooting incident occurred. After proper identification and explanation of the purpose of the brief interview, ROGERS voluntarily provided the following statement. Beneath is a synopsis of ROGERS statement:

ROGERS did not see anything other than CAPPS's body being drug onto the lawn and medical aid being administered. ROGERS advised that she was not home when the police arrived at CAPPS's house, she arrived afterwards. ROGERS did not interact with CAPPS, or any of the individuals living there, she just knew CAPPS and an older woman who was possibly his wife lived there for approximately one year. This concluded ROGERS's statement.

ELR/mcw

From information and observation, the following descriptive data was noted:

NAME: Faye Rogers

RACE: White

SEX: Female

DOB:

DL:

SSN:

ADDRESS:

TELEPHONE:

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 25

Author: Reed, Eric

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/06/2023

SAC/ASAC: Neese, Nathan L

Approved By: Savley, Joshua Paul

Description: Interview - Oral - John Carter

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023 at approximately 4:36 p.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed spoke to the neighbor, JOHN CARTER, of MARK CAPPS. SA Reed spoke with CARTER at his address located at [REDACTED]. The reason for speaking with ROGERS was to see if he observed any portion of the officer involved shooting incident that occurred at CAPPS's address, located at [REDACTED] and if CAPPS had displayed any type of unusual type of behavior before the officer involved shooting incident occurred. After proper identification and explanation of the purpose of the brief interview, CARTER voluntarily provided the following statement. Beneath is a synopsis of CARTER's statement:

CARTER was at home when the Metro Police Department arrived at CAPPS's residence. CARTER advised the police did announce themselves as they were entering CAPPS's residence. CARTER advised he looked out his window and saw three officers on CAPPS's front porch. CARTER then heard three gunshots and the three officers enter into the residence. CARTER later observed CAPPS being drug out onto the lawn and medical aid being administered to his torso region. CARTER did not see if CAPPS was armed when shots were fired.

CARTER then advised SA Reed that he spoke with the owner of CAPPS's house and was informed that CAPPS's brother had recently passed away. CARTER felt CAPPS was not dealing with his brother's death well. CARTER also advised he spoke with CAPPS and found out his daughter was engaged to a TBI Officer. CARTER advised CAPPS and his wife had not lived at the residence long. When asked if anyone was at CAPPS's house the night before the incident, CARTER advised he did not recall anyone being at CAPPS's house the night prior. This concluded the statement.

ELR/mcw



From information and observation, the following descriptive data was noted:

NAME: John Carter

RACE: White

SEX: Male

DOB:

DL:

SSN:

ADDRESS:

TELEPHONE:

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 26

**Author:** Reed, Eric

**Activity Date:** 01/05/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/06/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Savley, Joshua Paul

**Description:** Interview - Oral - Sam Tessenholtz

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023 at approximately 4:15 p.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed spoke to the neighbor, SAM TESSENHOLTZ, of MARK CAPPS. SA Reed spoke with TESSENHOLTZ at his address located at [REDACTED]. The reason for speaking with TESSENHOLTZ was to see if he observed any portion of the officer involved shooting incident that occurred at CAPPS's address, located at [REDACTED], and if CAPPS had displayed any type of unusual type of behavior before the officer involved shooting incident occurred. After proper identification and explanation of the purpose of the brief interview, TESSENHOLTZ voluntarily provided the following statement. Beneath is a synopsis of TESSENHOLTZ statement:

TESSENHOLTZ referred to CAPPS as the older man. TESSENHOLTZ did not really speak to CAPPS, they just waived at each other from time to time when they both were outside. TESSENHOLTZ went on to state that he works from home, and he heard the Metro Police Department SWAT Team when they arrived. TESSENHOLTZ then heard three loud bangs which prompted him to step out on his front porch to see what was going on. TESSENHOLTZ then saw members of the SWAT team dragging a man onto the front lawn. Medical aid was then given to the male. TESSENHOLTZ was then advised to step back inside his home by police officers.

TESSENHOLTZ then advised SA Reed that an officer stopped by his house after the incident and informed him the reason for what happened was because of a domestic assault occurred at CAPPS's address. SA Reed then asked TESSENHOLTZ if he heard or saw anything the previous night from CAPPS's residence, and TESSENHOLTZ advised he did not hear or see anything. TESSENHOLTZ advised SA Reed that he may have Ring video footage of the incident, and he would send it to SA Reed's email. This concluded the statement given by TESSENHOLTZ.

ELR/mcw

From information and observation, the following descriptive data was noted:

NAME: Sam Tessenholtz

RACE: White

SEX: Male

DOB:

DL:

SSN:

ADDRESS:

TELEPHONE:

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 27

**Author:** Reed, Eric

**Activity Date:** 01/05/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/06/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Savley, Joshua Paul

**Description:** Interview - Oral - William White and Daniel White

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023 at approximately 4:36 p.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed spoke to the neighbors, WALTER WHITE and his son DANIEL WHITE, of MARK CAPPS. SA Reed spoke with The WHITES at their address located at [REDACTED]. The reason for speaking with The WHITES was to see if they witnessed any portion of the officer involved shooting incident that occurred at CAPPS's address, located at [REDACTED] and if CAPPS had displayed any type of unusual type of behavior before the officer involved shooting incident occurred. After proper identification and explanation of the purpose of the brief interview, The WHITES voluntarily provided the following statement. Beneath is a synopsis of The WHITES's statement:

DANIEL and WALTER WHITE advised at approximately 2:10 p.m., they observed the Metro Police Department outside of CAPPS's residence. The WHITES did not know CAPPS nor did they ever speak to him. Both advised they heard yelling and three bangs, but they did not look outside to see what the commotion was. The WHITES did not see or hear anything at CAPPS's residence the night prior either.

ELR/mcw

From information and observation, the following descriptive data was noted:

NAME: Daniel White

RACE: White

SEX: Male

DOB:

DL:

SSN:

ADDRESS: [REDACTED]

TELEPHONE:

NAME: William White

RACE: White

SEX: Male

DOB:

DL:

SSN:

ADDRESS: [REDACTED]

TELEPHONE: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 28

Author: Reed, Eric

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Savley, Joshua Paul

Description: Recovery of Evidence - Ring Videos - From - Sam Tessenholtz

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023 at approximately 10:14 a.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed received an email from Sam Tessenholtz containing video footage his Ring doorbell captured after the officer involved shooting occurred at [REDACTED], TN involving Metro Nashville Police Department (MNP) Officer ASHLEY COON and subject MARK CAPPS. This video footage has been forwarded to case agent SA Jim Scarbro.

ELR/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 29

Author: Reed, Eric

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Savley, Joshua Paul

Description: Recovery of Evidence - Phone Video Footage Captured After The Incident - From - John Carter

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023 at approximately 2:10 p.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed received an email from John Carter containing video footage he captured after the officer involved shooting occurred at [REDACTED] involving Metro Nashville Police Department (MNP) Officer ASHLEY COON and subject MARK CAPPS. This video has been forwarded to case agent SA Jim Scarbro.

ELR/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 30

Author: Reed, Eric

Activity Date: 01/11/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Savley, Joshua Paul

Description: Recovery of Evidence - Four Videos Containing Footage Captured After The Incident -  
From - John Carter

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 11, 2023 at approximately 10:38 a.m., Tennessee Bureau of Investigation (TBI) Special Agent (SA) Eric Reed met John Carter at his residence, [REDACTED] to download the remaining four videos capturing the aftermath of the officer involved shooting he was unable to send to SA Reed via email previous day. SA Reed downloaded the videos to his portable thumb drive and completed a property receipt form reflecting this transfer of evidence. At approximately 3:00 p.m., SA Reed provided case agent, SA Jim Scarbro, copies of the abovementioned videos.

ELR/mcw



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 31

Author: Reed, Eric

Activity Date: 01/11/2023

Case Agent: Scarbro, James H

Report Date: 01/11/2023

SAC/ASAC: Neese, Nathan L

Approved By: Savley, Joshua Paul

Description: Property Receipt - Videos of Incident - From - John Carter

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



Document Seq: 2400559, Document Title: RECEIPT - RELEASE FORM, Property Receipt - Videos of Incident - From - John Carter.pdf, Case # NA-5U-000053, (If Applicable) Date: 1/10/23

TBI CI # \_\_\_\_\_ (If Applicable)

On the above date, Eric Rasmussen, received from John Carter  
 Print Name of Receiver Print Name of Releaser

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation.

[illegible]Continued on Additional Form ☐

1. Tony L. Carter  
Released By:

Released By:

**Title (Print)**

Eric Reed 7/11/23  
Released To: 10:38am

Released To:

**Title (Print)**

2. Eric Reed

Released By:

**Title (Print)**

Jim Scarborough 3:00 p.m. 1/12/23

Released To:

**Title (Print)**

### 3.

Released By:

**Title (Print)**

Released To:

**Title (Print)**

(Serial Stamp)

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 32

Author: Scarbro, James H

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/11/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Investigative Activity - Release of MNPB Rifle

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023, Metro Nashville Police Department (MNPB) Sergeant Mathew Grindstaff and Officer COON signed for the rifle and magazine investigators collected during a use of force investigation (OIS) on January 5, 2023, in Hermitage, TN. The firearm released to SGT Grindstaff is listed below:

- Colt M4 Rifle (5.56) – [REDACTED]

Two property release forms were prepared documenting the transfer of the weapon and magazine. A copy of the property release forms will also be submitted to the case file.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

**Case # :** NA-5U-000053

**IR # :** 33

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/11/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Property Release - Rifle and Magazine

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 34

Author: Scarbro, James H

Activity Date: 01/06/2023

Case Agent: Scarbro, James H

Report Date: 01/11/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Recovery of Evidence - Cell Phone Data Extraction - iPhone - T. Capps

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On Friday, January 6, 2023, Special Agent (SA) James Scarbro and SA Kendall Henderson of the Tennessee Bureau of Investigation met with Tara Capps at the Fifth Third Bank parking lot located at 5550 Old Hickory Blvd, Hermitage, TN 37076 to conduct a forensic analysis of her cellular phone. Mrs. Capps signed a consent to search form allowing SA Scarbro to conduct the extraction. Mrs. Capps remained in the parking lot and was present during the phone extraction. I began the extraction of the telephone at approximately 4:04 PM and completed the extraction at approximately 8:00 PM the same day.

## DESCRIPTION OF EQUIPMENT

iPhone 11 Pro Max Model A2161 [REDACTED] - (615)  
[REDACTED]

## CUSTODY AND CONTROL

On Friday, January 6, 2023, I received the iPhone 11 cell phone from Tara Capps. The device was not password protected. I completed an advanced logical extraction of the phone this same day. I returned the phone to Mrs. Capps once completed. A copy of the consent to search form signed by Capps will be submitted to the electronic case file.

## EXAMINATION OF MEDIA

### A. Preservation of Original Media

I confirmed the device was in Airplane mode, Bluetooth disabled, and Wi-Fi disabled prior to forensic examination to prevent the phone from connecting to the cellular or Wi-Fi network. All data was extracted from the phone while in this setting.

### B. Scope of Inquiry

The digital media was examined to identify any evidence of violations of the laws of the State of Tennessee.

### C. Findings

The Cellebrite UFED software used to examine the evidence allows for the generation of a UFED Reader report. This report allows investigating personnel the ability to examine the readable data without modifying the original evidence. A UFED Reader report was generated and placed on a password protected external hard drive and transferred to a secure media location for examination by investigating personnel.

### CONCLUSION

This report and related exhibits should be regarded as a final report. Please review this report and advise me if you require additional analysis on the above referenced digital media.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 35

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/11/2023

**SAC/ASAC:** Neese, Nathan L

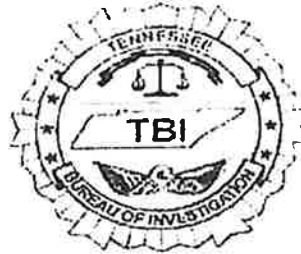
**Approved By:** Neese, Nathan L

**Description:** Document - Consent to Search - T. Capps iPhone

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# Tennessee Bureau of Investigation



## Consent to Search

I, Tara Capps, have been informed of my co  
not to have my premises, property or person, as described below, searched or  
search warrant; and, of my right to refuse consent to any search. I hereby waiv  
authorize Agents of the Tennessee Bureau of Investigation (TBI) to conduct a c  
my premises, property, or person, more particularly described as: (Include ph  
address, identifying numbers, characteristics, etc. of the place, item, or thing to

iPhone → 11 Pro Max - [REDACTED]

Further, Agents of the TBI are permitted, by me the undersigned, to take any  
property, or thing, in whatsoever form found, as they may deem necessary rela  
of their investigation.

By signing below, I voluntarily and knowingly give my consent to search, with  
promises, by the Special Agent(s) of the TBI as signed below.

[Signature]

1 1 11



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 36

**Author:** Scarbro, James H

**Activity Date:** 01/07/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/11/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Interview - Audio - Ashley Kendall Coon

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On Saturday, January 7, 2023, at approximately 11:55 AM Special Agent (SA) James Scarbro and SA Chris Houk with the Tennessee Bureau of Investigation (TBI) interviewed ASHEY KENDALL COON at the TBI Headquarters building located at 901 R.S. Gass Blvd., Nashville, Tennessee. Also present for this interview was his attorney, John Brown. After signing a waiver and agreeing to speak with agents about the use of force incident, COON provided the following information. This interview was audio recorded and that audio will be kept in the case agents investigative working file and a copy given to the District Attorney's Office. Below is a brief synopsis of the interview:

COON advised that he has worked for the Metro Nashville Police Department for approximately 15 years. He is a full-time member of the Special Response Tactical team (SRT). He has been on the SRT for about 5 years.

COON explained that he was at his office on Stewarts Ferry Pike when he was notified by his lieutenant that patrol might have a situation that would require SRT. COON explained that as the day progressed, he received more information that there had been a hostage situation the previous night and the suspect was MARK CAPPS. COON said he was told that CAPPS allegedly held his wife and stepdaughter hostage for several hours the previous night with one or two guns. COON said he understood that the suspect fell asleep, and the two victims were able to escape and go to the police.

COON said he and the team were informed at some point that the detectives were going to get warrants, so he went to a staging area near [REDACTED] which was a school parking lot. He said the plan was further developed at the staging area, and there were some other officers watching the house to see if CAPPS left or came outside. One of the teams reported that the suspect came out of the house on the back deck doing something but went back inside.

COON advised that he was tasked to be cover for the breaching team that would go to the front door. COON advised they were informed warrants were obtained for kidnapping and aggravated assault at that time. COON explained that the plan was to covertly approach the front door and place the charge on the door and then retreat to an area of cover. At that point, the rest of the team would come up in the large SWAT vehicle and typically that is when the team would begin commands and directions to exit the structure informing the suspect that police had surrounded the home.

COON explained that he and the two breachers (Rader and Brewer) got out of their vehicles and approached the house. COON said he scanned the door and windows as they walked up to the front door. COON said he saw a storm door that was outward opening, and what appeared to be a light metal skinned door that was hinged on the right and opened inward. He said it appeared to be closed. COON said he was on the left side of the door and the two breachers were on the right side of the door where the hinges were located. COON said he initially thought he saw the interior door move, because it was like someone was looking through the peephole. He said he tried to see if he could determine if a shadow was cast in the peephole where sometimes people look through.

COON said he then looked at the crack of the door, while Officer Rader was kneeling to place the charge which was about the time he saw the inside door begin to open. COON said his natural response was to yell commands and he yelled "show me your hands". He said the door came open and from that moment COON said he saw the handgun and it was pointed directly at him and the other two officers. COON said he could not see the suspects left hand, and he again yelled "show me your hands". COON said he realized at that point that the suspect saw him and his partners, was not complying with commands, and the gun never changed position. COON described the gun as being about 5 or 6 feet away from officers and the suspect was pointing the gun from his waist area with the barrel toward officers. COON said it appeared to him that CAPPS finger was not on the frame but inside the trigger guard. He said the gun was pointed at him, a finger on the trigger and the only thing that had not happened yet was pressing the trigger. COON said he believed that CAPPS was going to shoot him and his partners and therefore fired his rifle. COON stated he believed he had to fire in order to protect him and his partners life.

COON said CAPPS began to fall back and at the same time the door began to close as he fell. COON said he fired about 4 rounds. COON said he stopped shooting because CAPPS was falling, and he lost a good visual on where he was. (Meaning he could not see where he was shooting at that point) COON said he and Officer Rader and Brewer got the door open and made entry. He said his fear was that CAPPS was still able to shoot him and other officers and therefore still a threat. COON said he cleared to the right and saw CAPPS who did not appear to be a threat at that moment. COON said he ordered him to show his hands again.

COON said an order to continue a protective sweep of the house was given and he helped clear the remaining portions of the house. He said CAPPS was removed to the outside where other officers provided medical aid. After the house was cleared he went outside, and he waited for further direction.

For further information, please refer to the complete audio recorded interview in the investigative case file.

JHS/mcw

Date: 1/6/23

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation:

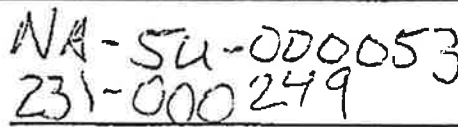
[illegible]

10

Released To:

**Title (Print)**

Con



Date: 1/6/23

TBI CI # \_\_\_\_\_ (If Applicable)

On the above date, Kendall Coon, received from Denver  
 Print Name of Receiver Print Name of Donor

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau

[illegible]

Released To:

Released To:

Title (Print)

Title (Print)

Title (Print)

Con

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 37

**Author:** Scarbro, James H

**Activity Date:** 01/07/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/11/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Document - Statement Waiver - Coon

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 38

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/11/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Interview - Audio - Jason Rader

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On Monday, January 9, 2023, at approximately 8:48 AM Special Agent (SA) James Scarbro and SA Chris Houk with the Tennessee Bureau of Investigation (TBI) interviewed JASON RADER at the TBI Headquarters building located at 901 R.S. Gass Blvd., Nashville, Tennessee. Also present for this interview was his attorney, Jack Byrd. After signing a waiver and agreeing to speak with agents about the use of force incident, RADER provided the following information. This interview was audio recorded and that audio will be kept in the case agents investigative working file and a copy given to the District Attorney's Office. Below is a brief synopsis of the interview:

RADER advised that he has been with Metro Nashville Police Department for almost 23 years. He is a full-time member of the Special Response Team (SRT).

RADER explained that he was at the office when he was first notified by his leadership that SRT would be needed for a mission. He said a staging area was established at a school down the street from [REDACTED] and they waited for the arrest warrants to get signed.

RADER said he was informed that the suspect held his wife and stepdaughter hostage at gunpoint in the middle of the night. At some point the victims got out and went to Hermitage precinct to report the incident. RADER stated that the team was informed the suspect was armed and had made threats to shoot anybody or police if they came to the house. RADER advised that the team had developed their plan and around 2:00 PM when they were informed the warrants had been signed.

RADER advised that he went to the front of the house with Officer COON and Officer Brewer. COON was cover, Brewer was the assistant breacher, and he was breacher. RADER stated that COON stepped up on the porch in front of him and started holding cover on the door. RADER said he stepped to the right and knelt to place the charge on the door. He said it seemed like immediately when he touched the outer door, the interior door opened. RADER said he heard COON yell, "let me see your hands", so he repeated it. RADER said as he looked up, he saw the revolver. As RADER said this, he demonstrated how the gun was pointed with his hands and that it was pointed at him. RADER said he had made up his mind that he would have to shoot this guy because he was pointing a gun at officers, and before he did COON fired. RADER said the suspect had fallen down behind the door and so he did not shoot.

RADER explained that the plan was to place a breaching charge on the front door at the same time a second team would place a charge on the back door. After the charges were placed, he said the plan was for officers to then move about 50 ft away to a position around the corner of the house. Once all the charges were placed, the SRT would then conduct announcements and call outs of the suspect.

RADER repeated that the revolver was pointed at the officers, and it was "point blank" and he could see the barrel. RADER said after Officer COON fired, they attempted to get the door open. He said he could hear the suspect moaning, so he was concerned the suspect was still a threat and could shoot through the door. RADER said they made entry through the front door and the suspect was laying on the ground. He said he did not see the pistol at that point but glanced briefly then moved past him to clear the rest of the house.

RADER further explained that in his mind, the best he could recall, was that the suspect kind of held the gun at a retention kind of position near his hip and close to his body. He said he believed the gun was already pointed in the direction of officers as if the suspect knew officers were there at the door. He said the gun was level with his head and he believed the suspect was going to shoot officers.

RADER said he helped clear parts of the house. The suspect was moved outside, and other officers provided medical aid.

For further information, please refer to the complete audio recorded interview in the investigative case file.

JHS/mcw

From information and observation, the following descriptive data was noted:

Name: Jason Bart Rader

Race: White

Sex: Male

DOB: [REDACTED]

OLN: [REDACTED]



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 39

**Author:** Scarbro, James H

**Activity Date:** 01/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/11/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Document - Statement Waiver - Rader

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

## TENNESSEE BUREAU OF INVESTIGATION STATEMENT ON USE OF FORCE

The Tennessee Bureau of Investigation has been requested by the District At determine the facts of the use of force incident you were involved in. This is n disciplinary investigation. You are not being compelled to give any statement questions. Your cooperation is voluntary.

Jason Rader  
Signature of Interviewee

H. Rader TBT 1/9/23 8:49 AM  
Signature of Special Agent

Witness: Chris Houk Chris Houk 01/09/23 0850

Witness: \_\_\_\_\_

DATE: 1/9/23 TIME: 9

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 40

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/11/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Interview - Audio - Tim Brewer

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On Monday, January 9, 2023, at approximately 9:08 AM Special Agent (SA) James Scarbro and SA Chris Houk with the Tennessee Bureau of Investigation (TBI) interviewed TIMOTHY BREWER at the TBI Headquarters building located at 901 R.S. Gass Blvd., Nashville, Tennessee. Also present for this interview was his attorney, Jack Byrd. After signing a waiver and agreeing to speak with agents about the use of force incident, COON provided the following information. This interview was audio recorded and that audio will be kept in the case agents investigative working file and a copy given to the District Attorney's Office. Below is a brief synopsis of the interview:

BREWER advised that he has worked from the Metro Nashville Police Department for approximately 15 years. He is a full-time member of the Special Response Team (SRT). BREWER said he was at the office but was notified that SRT would be needed to assist with arrest warrants. BREWER explained that SRT members staged at a small school near [REDACTED]. He said some other officers were watching the home and provided some pictures that allowed them to gather intelligence to help make their plan.

BREWER explained that he and other team members had received information that the suspect claimed that he would kill police if they came to his house, so that made him a high-risk suspect and influenced their plan. He explained this meant their plan would be to quietly place breaching tools prior to making announcements. He said this was intended to provide them more of an advantage if the suspect escalated things (such as on second floor with a rifle or if suspect decided to shoot through the door). BREWER said the plan was to place a breaching charge, then retreat to a safe place and make announcements. If the suspect came out and followed commands and was taken into custody then the breaching charges would be removed. BREWER said he knew that the armored vehicle was waiting for them to place charges and then they would have pulled up and announced police and that the suspect had arrest warrants.

BREWER advised that it was roughly 1:00 PM when they began to implement the plan. He was on the team going to the front of the house, and it included Officer COON and Officer Rader. BREWER said Officer Rader was the lead vehicle and stopped a few houses away from [REDACTED] and prepared the charges as COON provided cover. Once this was complete, BREWER said the three officers approached the house. He said COON was the first there and stepped up on the porch, and Officer Rader was a little behind them because he was

carrying the charge. BREWER said his job was to assist Officer Rader with placing the charge such as handing him tape or cutters to make it quick.

BREWER said he was securing the tube connected to the charge as Rader was placing the charge when he heard the door open. BREWER said Officer Rader was on his knee and COON was providing cover. BREWER advised that the first thing he saw was a large black revolver coming from around the door. He said that he didn't know what kind of gun, but he recognized it as possibly one of those large shotgun shell kind of guns. BREWER said the gun was pointed at them. He said he had tape in his hand, and he was behind both Officer COON and Rader. He said he heard COON yell "show me your hands", but he is not sure why he yelled that command. BREWER said it was obvious to him that the suspect was pointing a gun, but he figured sometimes that is just the first thing that comes to mind which is to yell because officers are used to commanding show me your hands. He said Officer COON fired approximately 4 or 5 shots and the storm door glass shattered, and the suspect went out of view and the interior door kind of closed. BREWER said Officer COON pushed the door, but all he could see is the suspects legs and not his upper body. BREWER advised that he felt like they were still in danger of being shot. BREWER demonstrated with his hands to agents that he thought the suspect could be still have the gun in his hand and pointing it at the door where officers were positioned.

BREWER stated that he believed they needed to enter the house to ensure the suspect was not a threat. He said as soon as the house was clear, he placed flex cuffs on the suspect. He said he still didn't see the weapon at that time, but he did notice that the house was a mess and stuff was everywhere.

BREWER was asked if the suspect said anything to officers when he opened the door and he said he did not remember him saying anything. BREWER again explained that the suspect was pointing the gun at officers, and he was about 3 or 4 feet away from him, but Officer COON and Rader were closer to the gun. BREWER advised that he did not fire his weapon.

For further information, please refer to the complete audio recorded interview in the investigative case file.

JHS/mcw

From information and observation, the following descriptive data was noted:

Name: Timothy Aaron Brewer

Race: White

Sex: Male

DOB: [REDACTED]

OLN: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 41

**Author:** Scarbro, James H

**Activity Date:** 01/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/11/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Document - Statement Waiver - Brewer

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

## STATEMENT ON USE OF FORCE

The Tennessee Bureau of Investigation has been requested by the District Attorney to determine the facts of the use of force incident you were involved in. This is not a disciplinary investigation. You are not being compelled to give any statement or answer any questions. Your cooperation is voluntary.

Timothy Brewer 1/9/23  
Signature of Interviewee

TBI James Scarbro 1/9/23  
Signature of Special Agent 8 9 10

Witness: Chris Harris Chris Harris 1/9/23 0910 AM

Witness: \_\_\_\_\_

DATE: 01/09/23 TIME:

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 42

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/12/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - MNPd Incident Reports - 23-0004654

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 6, 2023, Special Agent (SA) James Scarbro received an email from Detective Mike Roland containing Metro Nashville Police Department (MNPd) reports related to the discovery of a deceased male named Jeffrey Capps. Mr. Capps is the brother of MARK CAPPS, and he was discovered deceased in his vehicle on January 3, 2023.

These reports have been submitted to the case file as separate documents.

JHS/mcw



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 43

**Author:** Scarbro, James H

**Activity Date:** 01/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/12/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Departmental Reports - MNPD Incident Reports - 23-0004654

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

COMPLAINT NUMBER	DATE OF OFFENSE	TIME	DATE SUBMITTED	TIME
20230004654	01/03/2023	1636	01/03/2023	1911

## FOR PROPERTY SECTION ONLY

DB

OFFICER NAME ( LAST, FIRST MI )	EBS NUMBER	ASSIGNMENT
CLAIRE VONDOHLEN	284663	CRIME SCENE INVESTI
LOCATION RECOVERED	V	APT
3910 CENTRAL PIKE		HERMITAGE
		37076

Drop Box	Location	EBS #	Drop
Madison	Receiv	562545	01/04

Cross Street

<input type="checkbox"/> UnderCover Buy
<input type="checkbox"/> Misdemeanor
<input type="checkbox"/> Found <input checked="" type="checkbox"/> Felony

## CHARGES or OFFENSE CLASSIFICATION

DEATH - OTHER

☐ Business☐ UNK

## PERSON INFORMATION

PERSON# 1

☐ Suspect☒ VictimPERSON ( IF OWNER OR VICTIM INCLUDE ADDRESS AND PHONE )  
LAST NAME/Business

F

FIRST NAME

MIDDLE

ADDRESS

APPS

JEFFREY

ALLAN

CITY	STATE	ZIP CODE	PHONE	RACE	SEX	DATE OF
HERMITAGE	TN	37076		White	MALE	

CPN 20230004654

## FIREARMS

CPN 20230004654

CAT CODE	ITEM#	PERSON#	FIREARM TYPE	COND CODE	# Live Rounds	MAKE
Firearm						
CALIBER	Firearm Model	BARREL	COLOR	SN#	OAN	

DESCRIPTION

Action

Report # 20230004654 CPN 20230004654 James Scarbro NA-5U-000053 DR - Departmental Reports - Addit'l Items

MNPD Incident Reports - 23-0004654.pdf

CAT CODE	ITEM#	PERSON#	Suspected Drug Type	COND CODE	QTY
Drugs	1	1	MARIJUANA	UNDAMAGED	1
			FORM	PACKAGING	UNITS
			ORGANI	OTHER	0
			MEASURE		GM

☐ Check for Dup Items under Barcode

DESCRIPTION (1) WOOD BOX WITH MARIJUANA

Action EVIDENCE

CPN 20230004654

**PROPERTY**

CAT CODE	ITEM#	PERSON#	PROPERTY TYPE	COND CODE	QTY	MEASURE	COLOR	SN#
Property	2	1	DRUG/NARCOI	UNDAMAGED	1	EACH	OTHEF	

DESCRIPTION (1) STRAIGHT METAL PIPE

Action EVIDENCE

Check for Addit'l Items

Check for Dup Items under Barcode

CPN 20230004654

**LATENT**

CAT CODE ENVELOPE # PERSON# LATENT TYPE

Latents

Action

DESCRIPTION

Money				
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### Action

Date \_\_\_\_\_



**Check for Dup Items under Barcode**

### DESCRIPTION

## Action

## PROPERTY

CPN	20230004654
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CAT CODE	ITEM#	PERSON#	PROPERTY TYPE	COND CODE	QTY	MEASURE	COLOR	SN#
Property	1	1	VEHICLE PARTS	UNDAMAGED	1	EACH	MULTI	

DESCRIPTION	KEYS TO 1993 HONDA CIVIC, TN TAG
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Action	FOUND
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### Check for Addit'l Items

Check for Dup Items under Barcode

## LATENT

CPN	20230004654
-----	-------------

CAT CODE	ENVELOPE #	PERSON#	LATENT TYPE
1	1	1	1
2	2	2	2
3	3	3	3
4	4	4	4
5	5	5	5
6	6	6	6
7	7	7	7
8	8	8	8
9	9	9	9
10	10	10	10
11	11	11	11
12	12	12	12
13	13	13	13
14	14	14	14
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44	44	44	44
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89	89	89	89
90	90	90	90
91	91	91	91
92	92	92	92
93	93	93	93
94	94	94	94
95	95	95	95
96	96	96	96
97	97	97	97
98	98	98	98
99	99	99	99
100	100	100	100

### Action

### DESCRIPTION

T CODE	ITEM#	PERSON#	CURRENCY TYPE	COND CODE
Money				

100 X	=		COIN X	
50 X	=		\$1. X	=
20 X	=		\$.50 X	=
10 X	=		\$.25 X	=
5 X	=		\$.10 X	=
2 X	=		\$.05 X	=
1 X	=		\$.01 X	=
		Total		

Verified By

Verified By Officer

Action

DESCRIPTION

/S/GRAHAM BINKLEY

299247

01/03/2023

JENNIFER APPLETON

4001439

01/04/2023

Officer's Signature

ENO

Date

Property Custodian

ENO

Date

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 44

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Interview - Audio - Juanita Copeland

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 9, 2023, at approximately 1:06 PM, Special Agent (SA) James Scarbro with the Tennessee Bureau of Investigation (TBI) interviewed JUANITA COPELAND in her office located at [REDACTED], Nashville, Tennessee. After proper identification and an explanation for the purpose of the interview, COPELAND provided the following information. This interview was audio recorded and that recording will be kept in the case agents investigative working file and a copy given to the District Attorney's Office. Below is a brief synopsis of the audio interview and should not be considered a transcript:

COPELAND stated that she is president of the Good Guys Foundation and contacted a friend of hers who works at Metro Nashville Police Department. She said she had been friends with CAPPS for about 15 years. COPELAND stated that she knew CAPPS was in a suicidal place and he had previously promised her that he was ok. She said CAPPS had been progressively more depressed since his father passed away almost two years ago. COPELAND said public perception was very important to CAPPS because he didn't want to diminish his father's reputation. Because of this, she said many people didn't know the demons he faced or the depression. She said CAPPS trusted her and shared with her many problems over the last six months. COPELAND said he was not happy in his marriage and began drinking heavily.

COPELAND explained that CAPPS came to see her toward the end of November, and he was very upset at his father's wife because she was not honoring certain provisions in the Will. CAPPS was supposedly given his father's guitars in the Will but had yet to received them. COPELAND said CAPPS was asking her for advice on what to do about the guitars and she gave him the number to an attorney. CAPPS also complained about his brother because of him constantly calling and asking for money. According to COPELAND, Jimmy Capps gave his son, Jeffrey, money for many years. CAPPS told her Jeffrey was now coming to him for money and threatening the stepmother.

COPELAND advised that CAPPS sent her a picture of himself holding a gun to his head on December 16. He sent this picture to her via text message and COPELAND still had them. COPELAND allowed SA Scarbro to take photographs of the text messages. COPELAND said CAPPS had called her Wednesday night and sent her text messages asking about a job. CAPPS also sent COPELAND a text message around 1:00 PM on the day of the shooting.

COPELAND also advised that she believes CAPPS talked to a band member named Josh who



attempted to talk him out of committing suicide. She didn't know what Josh's last name was, but he was a band member for the Isaacs.

For further information, please refer to the complete audio recorded interview in the investigative case file.

JHS/mcw

From information and observation, the following descriptive data was noted:

Name: Juanita Maxine Copeland

Race: White

Sex: Female

DOB: [REDACTED]

SSN: [REDACTED]

OLN: [REDACTED]

Home Address: [REDACTED]

Cell Phone: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 45

**Author:** Scarbro, James H

**Activity Date:** 01/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/12/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - Text Messages between Copeland and Capps

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 9, 2023, Special Agent (SA) James Scarbro interviewed Juanita Copeland regarding information she wanted to share with law enforcement relative to MARK CAPPS. Specifically, Mrs. Copeland shared text messages she had exchanged with MARK CAPPS from December 16<sup>th</sup> to present.

The text messages were as follows:

**Mark** – "I just had a convocation with my bro that ended with.....9MMat my head."

**Mark** – "I hate him"

**Mark** - Following these texts is a photo of a man who appears to be MARK CAPPS with a gun pointed to his head.

**Copeland** – "What!!!!!"

**Mark** – "I'm ok"

**Copeland** – "Hell to the No!!!"

**Mark** – "You've keep me happy through this"

**Copeland** – "He's not worth that – I'm A phone call if you need me and I will Jump in my car and meet you if you need me. Seriously"

**Mark** – "He's an asshole"

**Copeland** – "Yes he is"

**Copeland** – "He's terrible"

**Copeland** – "And you are not! You are a great guy"

**Mark** – "I'm not"

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Page 1

**Copeland** – "Yes you are"

**Copeland** – "Why do you think you aren't?"

**Copeland** – "That's some bullshit thinking right there"

**Mark** – "Love a Jua. I'm ok"

**Copeland** – "I don't think you are ok"

**Mark** – "I hate my brother"

**Copeland** – "You can't fool me!!!"

**Mark** – "I hate my marriage."

**Copeland** – "Your brother is a piece of shit."

**Mark** – "I hate my carrier"

**Copeland** – "Oh no honey.....I worry about that A LOT!"

**Copeland** – "Do you hate being with the Isaacs? Is that what you mean? The whole "Christian" world?"

**Mark** – "I hate every thing but you in the last few weeks."

**Copeland** – "Awww!!! I can relate – seriously (Heart emoji)"

**Mark** – "Respectfully you are all I Drean of before I go to sleep"

**Copeland** – "I think about you a lot....more than I should -"

**Mark** – "I fucking hate my brother."

**Copeland** – "Why do you need to communicate with him? What did he do?"

**Mark** – "I just do, but all he wants is to bitch about the trust and killing Michelle."

**Copeland** – "Oh geez. That's exhausting"

**Copeland** – "He's an efn idiot"

**Mark** – "Guns Doen. Carpe Diem. I will live to. Live to hey that"

**Mark** – The next text contained a picture of CAPPS arm with his "Carpe Diem" tattoo

**Copeland** – "I have that tattoo"

**Copeland** – "I'm a phone call away if you need me."

**Copeland** – "Love you (heart emoji's)"

**Mark** – "Love you"

**Copeland** – "Me, too.....every efn second of it"

**Mark** – "Thx Jua. My brother is a piece of shit. I'm ok"

**Copeland** – "My brother is, too, so I can totally relate. Can you just stop talking to him? Or do you need to?"

**Mark** – "Is this harsh? I'd rather NOT as attended his funeral than him attended his mine, with a will  
Attached. Man Am I that fucked up?"

**Copeland** – "No – you aren't"

**Mark** – "....hhhhhh"

**Mark** – "Would love to See you tomorrow"

**Copeland** – "I could meet you for lunch / just let me know"

Wednesday, December 21, 2022, 11:32 AM

**Mark** – "Hey Jua, touching base. I hit my holiday melt down with my brother last week. Thx for listening. Love a Jua. (Heart emoji's)"

**Copeland** – "Aw! You are so very welcome. I have thought of you every day since then"

Thursday, January 5, 2023, 1:58 AM

**Mark** – "Would you ever consider me as a staff person based on my experience. Just putting out there based on Isaac's current situation?"

**Copeland** at 10:01 AM – "We only ever have entry level positions open here. They start on the front desk and work up to being in the rooms. The pay is not good. You are WAAAAYYYY too overqualified for that!! Have you thought about applying to at Dark Horse Academy? They seem to always need good engineers as teachers. I would love to add you to the staff here but we just don't ever add seasoned/experienced staff."

**Copeland** – "I hope you are doing ok today"

**Mark** at 1:12PM – "But what if seasoned staff brought clients in too?"

**Mark** – "Having a fucked up day."

SA Scarbro photographed a total of 15 of these text messages and copies of these photographs are kept in the investigative working case file.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 46

**Author:** Scarbro, James H

**Activity Date:** 01/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/12/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Investigative Activity - Black iPhone to CDEU

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 9, 2023, Special Agent (SA) James Scarbro submitted the black iPhone recovered from MARK CAPPS to the Cybercrime and Digital Evidence Unit for forensic analysis. The iPhone had been secured in temporary storage on 1/5/23.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 47

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Property Release - Black iPhone

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]





TENNESSEE BUREAU OF INVESTIGATION

RECEIPT / RELEASE FORM

TBI Case # NA-5U-000053 (If Applicable)

Date: 1/6/23

TBI CI # \_\_\_\_\_ (If Applicable)

On the above date, \_\_\_\_\_, received from James  
Print Name of Receiver Print Name of Donor

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau

No.	Quantity	Description of Items	
1	1	iPhone → Black case	D.

Conti

1. [Signature]  
Released By: 1/6/23

MIDCID Locker  
Released To:

James Scarbro 10504m  
Title (Print)

Title (Print)

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 48

**Author:** Scarbro, James H

**Activity Date:** 01/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/12/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - Criminal History Record

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 9, 2023, Special Agent (SA) James Scarbro requested a criminal history record search in Tennessee be conducted for MARK JASON CAPPS. The Tennessee Open Records Information Services returned no identifiable record in the Tennessee Criminal History files.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 49

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Document - Criminal History Search - Mark Capps

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 50

**Author:** Scarbro, James H

**Activity Date:** 01/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/12/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - NFD Incident Report - FFD0230105002207

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]  
(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 9, 2023, Special Agent (SA) James Scarbro received an email from Detective Mike Roland containing the Nashville Fire Department (MNFD) report detailing the response of MED 32 to [REDACTED]. The report lists [REDACTED], which is the staging area MED 32 was requested to for the service of an arrest warrants.

This report will be submitted to the case file as a separate document.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 51

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Departmental Report - NFD Incident Report - FFD0230105002207

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 52

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Recovery of Evidence - Cell Phone Data Extraction - iPhone - Acuff

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]  
(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On Thursday, January 12, 2023, Special Agent (SA) James of the Tennessee Bureau of Investigation met with McKenzie Acuff at the Burger Republic parking lot located at 1982 Providence Parkway, Mount Juliet, TN 37122 to conduct a forensic analysis of her cellular phone. Mrs. Acuff signed a consent to search form allowing SA Scarbro to conduct the extraction. Mrs. Acuff remained in the parking lot and was present during the phone extraction. I began the extraction of the telephone at approximately 3:00 PM and completed the extraction at approximately 4:00 PM the same day.

## DESCRIPTION OF EQUIPMENT

iPhone 13 Pro Max Model A2482 [REDACTED] - IMEI: [REDACTED] - (615) [REDACTED].

## CUSTODY AND CONTROL

On Thursday, January 12, 2023, I received the iPhone 13 Pro Max cell phone from McKenzie Acuff. The device was password protected and she provided that during the examination. I completed an advanced logical extraction of the phone this same day. I returned the phone to Mrs. Acuff once completed. A copy of the consent to search form signed by Acuff will be submitted to the electronic case file.

## EXAMINATION OF MEDIA

### A. Preservation of Original Media

I confirmed the device was in Airplane mode, Bluetooth disabled, and Wi-Fi disabled prior to forensic examination to prevent the phone from connecting to the cellular or Wi-Fi network. All data was extracted from the phone while in this setting.

### B. Scope of Inquiry

The digital media was examined to identify any evidence of violations of the laws of the State of Tennessee.

### C. Findings

The Cellebrite UFED software used to examine the evidence allows for the generation of a UFED Reader report. This report allows investigating personnel the ability to examine the readable data without modifying the original evidence. A UFED Reader report was generated and placed on a password protected external hard drive and transferred to a secure media location for examination by investigating personnel.

Examination of the UFED reader report shows text messages sent from 615- [REDACTED] (MARK CAPPS) to 615- [REDACTED] (McKenzie Acuff) on January 5, 2023. These texts are as follows:

- 1/5/2023 at 1:18 PM – "Where are ya'll"
- 1/5/2023 at 2:07 PM – "We're is fucking Noah?"
- 1/5/2023 at 2:09 PM – "Which side?"
- 1/5/2023 at 2:10 PM – This was an attached video of a hand pointing a gun at pillows on a bed.

### CONCLUSION

This report and related exhibits should be regarded as a final report. Please review this report and advise me if you require additional analysis on the above referenced digital media.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 53

Author: Scarbro, James H

Activity Date: 01/09/2023

Case Agent: Scarbro, James H

Report Date: 01/12/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Document - Consent to Search - Acuff

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



# Tennessee Bureau of Investigation



## Consent to Search

I, Mollie McKenzie Acuff, have been informed of my co  
not to have my premises, property or person, as described below, searched c  
search warrant; and, of my right to refuse consent to any search. I hereby wai  
authorize Agents of the Tennessee Bureau of Investigation (TBI) to conduct a c  
my premises, property, or person, more particularly described as: (Include pl  
address, identifying numbers, characteristics, etc. of the place, item, or thing t

iphone 13 Pro Max SN/

password

Further, Agents of the TBI are permitted, by me the undersigned, to take an  
property, or thing, in whatsoever form found, as they may deem necessary rela  
of their investigation.

By signing below, I voluntarily and knowingly give my consent to search, with  
promises, by the Special Agent(s) of the TBI as signed below.

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 54

**Author:** Scarbro, James H

**Activity Date:** 01/11/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/17/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - MNPd CAD Reports

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 11, 2023, Special Agent (SA) James Scarbro received an email from Detective Mike Roland containing Metro Nashville Police Department (MNPd) Computer Aided Dispatch (CAD) reports from January 5, 2023.

Due to the voluminous amount of records associated with this use of force incident, these records will be retained in the case agent's working case file and copies provided to the District Attorney's Office upon request.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 55

**Author:** Scarbro, James H

**Activity Date:** 01/11/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/17/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - MNPB DV Report - [REDACTED]

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 11, 2023, Special Agent (SA) James Scarbro received an email from Detective Mike Roland containing Metro Nashville Police Department (MNPB) Domestic Violence report related to MARK CAPPS on January 5, 2023.

This report and its supplemental documents have been submitted to the case file as separate documents.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 56

Author: Scarbro, James H

Activity Date: 01/11/2023

Case Agent: Scarbro, James H

Report Date: 01/17/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Departmental Report - MNPD DV Report - [REDACTED]

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 57

Author: Scarbro, James H

Activity Date: 01/11/2023

Case Agent: Scarbro, James H

Report Date: 01/17/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Recovery of Evidence - MNPd Radio-Phone Recordings

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 11, 2023, Special Agent (SA) James Scarbro received an email from Detective Mike Roland containing Metro Nashville Police Department (MNPd) recordings of radio communications and phone communications concerning the use of force incident at [REDACTED] in Hermitage.

Due to the voluminous amount of records associated with this use of force incident, these records will be retained in the case agent's working case file and copies provided to the District Attorney's Office upon request.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 58

**Author:** Scarbro, James H

**Activity Date:** 01/12/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/17/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - Coon Firearm Training Record

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 12, 2023, Special Agent (SA) James Scarbro received an email from Detective Mike Roland containing Metro Nashville Police Department (MNPd) firearms training record for Officer COON.

This report has been submitted to the case file as a separate document.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 59

Author: Scarbro, James H

Activity Date: 01/12/2023

Case Agent: Scarbro, James H

Report Date: 01/17/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Document - Coon Firearm Training Record

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]







# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 60

Author: Scarbro, James H

Activity Date: 01/13/2023

Case Agent: Scarbro, James H

Report Date: 01/17/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Interview - Telephone - Colleen Walters

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 13, 2023, at approximately 3:00 PM Special Agent (SA) James Scarbro with the Tennessee Bureau of Investigation (TBI) contacted COLLEEN WALTERS via telephone at number [REDACTED] regarding information that she may have been on the phone with CAPPS on Thursday, January 5, 2023. SA Scarbro had contacted WALTERS by telephone on January 11, 2023, to schedule an interview but was unable to speak with her and left a voice message. After identification and an explanation of the interview, WALTERS agreed to speak with SA Scarbro. This telephone interview was audio recorded and that audio will be kept in the case agents investigative working file and a copy given to the District Attorney's Office. Below is a brief synopsis of the interview and should not be considered a transcript:

WALTERS advised she spoke with CAPPS the night before the shooting incident. She explained that she had known the Capps family for years and was friends with Jeffrey Capps. She said she spoke with MARK CAPPS on Wednesday between 5:00 PM and 6:30 PM about his brother Jeff. The conversation began with text messages explaining that he didn't know details of Jeff's death, but then WALTERS advised that CAPPS called her via Facetime.

She said CAPPS kept asking if she was alone. She said CAPPS was distraught about his brother and talking about some emotional things even though she was aware that they didn't have a good relationship. She said he was talking about how he didn't know how he would have closure with his brother's death because their last words were not good.

WALTERS said it was hard to explain, but CAPPS looked different in a way in his eyes, but he didn't seem drunk. She said he was sad about a lot of loss in his life. WALTERS said he sent her a Facebook message around 1:00 AM the next morning asking her to keep their previous conversation "in trust". WALTERS said he was always very private and friends he had known for years didn't know about CAPPS depression.

WALTERS said during their conversation, CAPPS had told her that he didn't have any money to do a funeral for Jeff. She said she messaged him that she could help and create a go fund me for a memorial. She said CAPPS also told her that he didn't have anybody anymore and wanted her to go to view Jeff's body with him. WALTERS said that kind of shocked her because she had not spoken with MARK CAPPS since his father's funeral two years ago.

Asked if CAPPS told her he wanted to commit suicide like some people have suggested and she said no. WALTERS then said that CAPPS told her the night before when he heard about JEFF that he thought about suicide. WALTERS added how when they were on Facetime, CAPPS told her not to take a screenshot. She said he then went to his side drawer in his bedroom, and she saw many pill bottles. She said CAPPS then pulled out a few guns and laid them on the bed. WALTERS said CAPPS then came back into view of the camera and told her that he "almost did this last night when he heard about Jeff". She said she asked why he was showing her this, and he replied to protect himself. She asked from what, and he responded with burglars and stuff. WALTERS said CAPPS told her that he had sent a picture to his brother of him holding a gun against his head. (WALTERS claimed she has since seen that picture) She said CAPPS told her he did that because he had been going through so much lately and losing everything and he didn't want to kill himself.

WALTERS said CAPPS talked about guitars that his father supposedly left him in the Will, but he had yet to get them. She said CAPPS talked about issues with his father's trust and Will. She said he talked about how much his father's funeral cost.

WALTERS added that after her phone call with CAPPS she did not think he was going to hurt himself, but he seemed strange, and she said it wasn't alcohol because she didn't see any beer bottles. She suggested because of the pill bottles she saw that CAPPS had taken many pills.

For further information, please refer to the complete audio recorded interview in the investigative case file.

JHS/mcw

From information and observation, the following descriptive data was noted:

Name: Colleen Mary Walters

Race: White

Sex: Female

DOB: [REDACTED]

SSN: [REDACTED]

OLN: [REDACTED]

New Home Address: [REDACTED]

Cell Phone: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 61

Author: Houk, Christopher Gary

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/19/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Crime Scene Investigation - [REDACTED]

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023, the District Attorney General (DAG) for the 20th Judicial District, Glenn Funk, requested the Tennessee Bureau of Investigation (TBI) investigate an officer involved shooting (OIS) that occurred at [REDACTED], Hermitage, Davidson County, Tennessee. The OIS event involved Metro Nashville Police Department (MNPD) SWAT member ASHLEY KENDALL COON. The shooting resulted in CAPPS being struck multiple times and after subsequent first aid attempts by officers and medical personnel, he was pronounced dead at the scene. The incident occurred at approximately 2:00 PM in Hermitage, Davidson County, Tennessee.

SA Scarbro was the assigned case agent for this investigation. SA Chris Houk, SA Andy Vallee, and SA Eric Reed were present and assisted with this investigation.

At approximately 3:35 P.M. SA Houk began to photograph involved officer's uniform COON, as well as two additional Metro Nashville Police Officers present at the time of the shooting BREWER and RADER. At approximately 3:45 P.M. BREWER and RADER provided preliminary information on scene as to the transpired events leading up to and the OIS itself.

At approximately 4:00 P.M. COON's firearm was collected:

Make: COLT Model: M4 Carbine Cal.:5.56MM SN [REDACTED]

At approximately 4:34 P.M. SA Houk, SA Scarbro, and SA Vallee began processing the crime scene after a signed consent to search form was completed by SA Kendall Henderson. SA Houk took overall photographs of the front exterior of the home, front lawn, and overall photographs of the interior of the home. Evidence markers were placed for the following pieces of evidence:

1. Spent Cartridge Case
2. Spent Cartridge Case
3. Spent Cartridge Case
4. Spent Cartridge Case
5. Taurus Judge (.410/45LC) Handgun with (5) .410 Shotgun Shells SN: [REDACTED]
6. Spent Distraction Device
7. Spent Distraction Device
8. Entry / Exit holes in front door of residence

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At approximately 4:45 P.M. items 1,2,3,4, and 5 were collected as evidence. Distraction devices (6 & 7) were photographed and collected by Metro Nashville Police Department. Item number 8 was photographed and remained at the residence.

At approximately 5:00 P.M. the Medical Examiner (Megan Whitesell) arrived on scene and collected the body of CAPPS. At this time preliminary photographs were taken of CAPPS inside Nashville Fire Department ambulance.

At approximately 6:00 P.M. the scene was released and the residence was secured.

All photographs of the crime scene were taken by SA Houk and were released with the case agent SA Scarbro.

CGH/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 62

Author: Houk, Christopher Gary

Activity Date: 01/05/2023

Case Agent: Scarbro, James H

Report Date: 01/19/2023

SAC/ASAC: Neese, Nathan L

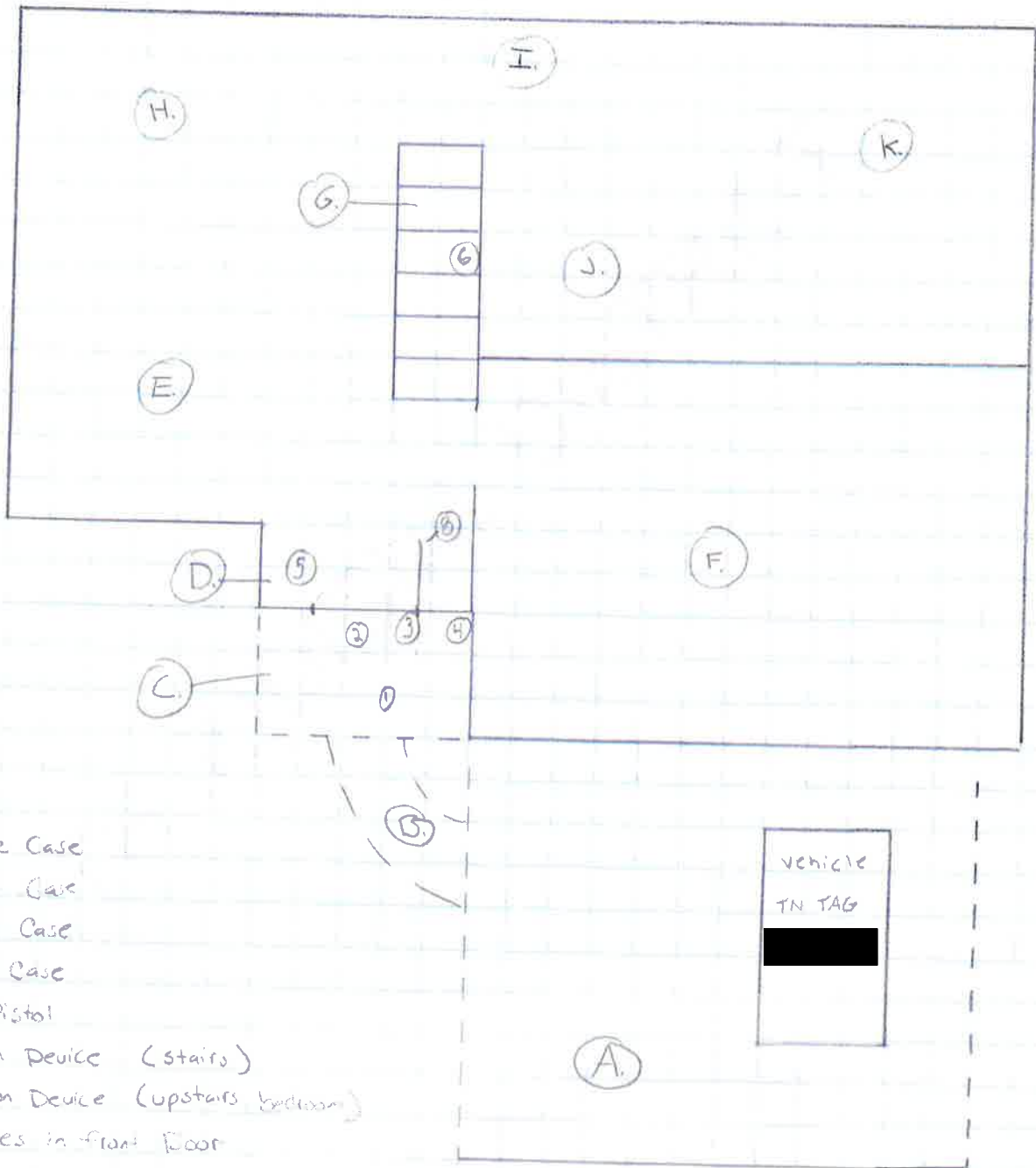
Approved By: Neese, Nathan L

Description: Crime Scene Diagram - [REDACTED]

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

1. Driveway
2. Sidewalks
3. Porch/Landing
4. Entry Way
5. Livingroom
6. Down Stairs  
Bonus Room
7. Stairs
8. Diningroom
9. Kitchen
10. Hall Bath
11. Bedroom



- 1. Spent Cartridge Case
- 2. Spent Cartridge Case
- 3. Spent Cartridge Case
- 4. Spent Cartridge Case
- 5. Taurus Judge Pistol
- 6. Spent Distraction Device (stairs)
- 7. Spent Distraction Device (upstairs bedroom)
- 8. Entry/Exit holes in front door



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 63

Author: Scarbro, James H

Activity Date: 01/18/2023

Case Agent: Scarbro, James H

Report Date: 01/19/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Interview - Audio - Josh Swift

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 18, 2023, at approximately 5:21 PM Special Agent (SA) James Scarbro with the Tennessee Bureau of Investigation (TBI) interviewed JOSHUA SWIFT in an office located at 901 R.S. Gass Blvd, Nashville, Tennessee. After proper identification and an explanation for the purpose of the interview, SWIFT provided the following information. This interview was audio recorded and that recording will be kept in the case agents investigative working file and a copy given to the District Attorney's Office. Below is a brief synopsis of the audio interview and should not be considered a transcript:

SWIFT explained that he is a musician and was hired by the Isaacs in 2020 and worked with MARK CAPPS. SWIFT said he did a lot of "session" work and knew CAPPS from him being an engineer. SWIFT said CAPPS was one of the best and very respected.

The last time SWIFT spoke with CAPPS was 1:10 AM on January 5, 2023. CAPPS called SWIFT using Facetime. Prior to that, SWIFT said he received a text from him on January 4, 2023, at 6:35 PM. The text from CAPPS read, "Got a minute, I need a blunt answer". SWIFT said CAPPS called him on his cell phone (not Facetime) and he was crying. He asked SWIFT how you say something nice about somebody when you can't think of anything to say. SWIFT said he believed CAPPS was talking about his brother because he knew he had just died and knew that the brother had a rough history. SWIFT also stated that he believed based on listening to the slurred speech that CAPPS was inebriated in some form or fashion. SWIFT said CAPPS told him that his brother killed himself out of spite toward him. He said CAPPS' brother did not know where he lived and drove to CAPPS' ex-wife's house to kill himself. SWIFT said CAPPS blamed himself because he wouldn't give his brother money. According to SWIFT, Jimmy Capps paid for everything for Jeff Capps and after his death, Jeff went to his brother, MARK CAPPS, for money. SWIFT said that phone conversation didn't last long and all he did was try to support CAPPS.

SWIFT said CAPPS asked if he could Facetime him on January 4, 2023. SWIFT said CAPPS called him via Facetime and the phone was very close to CAPPS face. He said CAPPS asked him "Tell me not to do it". SWIFT said he wasn't sure at first what CAPPS was meaning. He said he didn't know what he meant, and CAPPS responded with, "Tell me to put it away". SWIFT advised that is when he realized CAPPS was suicidal. SWIFT said he told CAPPS not to do it and that many people loved him. SWIFT said he eventually heard CAPPS appear to unload guns and although he didn't see the guns, he could hear him unloading what sounded

like bullets dropping into a drawer. SWIFT said CAPPS told him he had 11 or 12 firearms he was unloading. SWIFT also said CAPPS asked him not to tell anybody, but he was ok.

SWIFT said he called him again the night of January 4<sup>th</sup>, using Facetime, and had a bottle that said Woodford on it. This time he said CAPPS was in his studio at his home and not his bedroom. SWIFT said CAPPS was cursing a lot which surprised him. He said CAPPS was concerned that his career was finished and talked about work issues. SWIFT advised that he believed CAPPS was paranoid about things. SWIFT said the phone call ended around 8:45 PM or 9:00 PM, but he was beginning to slur more as the conversation continued.

According to SWIFT, CAPPS had previously shared with him that he overheard his wife talking to a friend complaining that he was a terrible husband. CAPPS was supposedly seeing a therapist. SWIFT said CAPPS insinuated that he had surveillance in the house and that's how he knew his wife's conversations, but he never showed it to him, so he was not sure if it was true. SWIFT also advised that CAPPS was telling people that his wife was having an affair with his stepdaughter's boyfriend.

SWIFT stated that he received a text message from CAPPS around 12:54 AM on January 5, 2023. The text read, "Please keep our conversation in trust. Thx you". At 12:56 AM CAPPS sent another text that read, "Tara woke me up in a panic". SWIFT said CAPPS called him around 1:10 AM via Facetime. He said CAPPS had the phone so close to his face that all he could see was his nostrils and the back of his throat. He said CAPPS' speech was very labored and his eyes were rolled into the back of his head. He said CAPPS was telling him that he tried to text back but couldn't. SWIFT explained that he had never seen anyone that messed up and he thought CAPPS would not be able to wake up. He said it was like CAPPS was trying to talk under water. This conversation ended with SWIFT telling CAPPS that he needed to go to bed.

SWIFT said he never heard back from CAPPS.

For further information, please refer to the complete audio recorded interview in the investigative case file.

JHS/mcw

**(Agents Note: SWIFT took a screenshot of the text messages from January 4<sup>th</sup> and 5<sup>th</sup>. Those messages were exported to a document and submitted to the case file as a separate document.)**

From information and observation, the following descriptive data was noted:

Name: Joshua Landon Swift

Race: White

Sex: Male

DOB: [REDACTED]

SSN: [REDACTED]

OLN: [REDACTED]

Home Address: [REDACTED]

Cell Phone: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

**Case # :** NA-5U-000053

**IR # :** 64

**Author:** Scarbro, James H

**Activity Date:** 01/18/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/19/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Document - Text Message between Josh Swift and Mark Capps

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



Mark &gt;



Wed, Jan 4 at 6:35 PM

Got a minute. I need a blunt answer.

6:35 PM

Yes sir

6:35 PM

Wed, Jan 4 at 7:36 PM

Just checking on you buddy!

7:36 PM

Thu, Jan 5 at 12:54 AM

Please keep our conversation in trust. Thx you.

12:54 AM

For sure buddy!

12:55 AM

I figured you'd be in bed!!!

12:55 AM

Tara woke me up in panic.

12:56 AM

Everything ok?!?

12:56 AM

Thu, Jan 5 at 8:51 AM

I know today is gonna be rough on you bud. I'll be praying for peace and strength for you! Love you buddy!!!

8:51 AM



iMessage



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 65

Author: Scarbro, James H

Activity Date: 01/19/2023

Case Agent: Scarbro, James H

Report Date: 01/19/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Investigative Activity - Review of Video Recordings on 1.5.23

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

During the course of this investigation, Special Agent (SA) James Scarbro reviewed video recordings of the interactions between MARK CAPPS, his wife, Tara, and his stepdaughter, McKenzie. The videos were recorded by McKenzie Acuff in the early morning hours of January 5, 2023, but the camera is obscured. (For further information refer to Investigative Report #21 of this case file) A review of each video was conducted by SA Scarbro and pertinent information gathered during the viewing/listening of the footage is listed below:

## Review of video recorded 1/5/23 at 3:34 AM lasting 23:59

- At 00:20 – A man who is identified as Mark is arguing with Tara about turning the alarm system on and the possibilities of drug dealers trying to get into the house.
- At 1:52 – Mark states that if he put a gun to his head, nobody would give a "shit".
- At 2:50 – Tara tells Mark he can't take Xanax, Ambien, and beer. Mark then replies that Tara knocked Ambien out of his hands.
- At 4:00 – Mark asks what time Noah gets up then asks Tara if she is gonna sleep in the bed or on the couch.
- At 4:25 – Mark then says, "Tell him to check for a body when he wakes up"
- At 4:29 – Tara asks, "Mine" and Mark replies, "No, mine"
- At 6:38 – Mark says, "She'll laugh at Noah's jokes, but she will not talk to me"
- At 7:22 – Mark says, "She's fucking Noah as far as I know"
- At 10:28 – Mark talks about how he thinks Tara has talked to an attorney.
- At 10:55 – Mark begins to talk about what he believes are Tara's big plans but explains that she can't touch inherited property.
- At 14:43 – Mark then tells Tara that all of what was going on is triggered from Christmas Eve.
- At 15:12 – Mark says there are three choices. He says, "One – Learn to be a wife" "Two – Go on the way we are" "Three – call the police"
- At 15:28 – McKenzie asks, why do we have to call the Police. Mark says, "Because somebody is gonna get shot."
- At 15:56 – Mark says, "Noah is the first one to go." Tara then asks what that is supposed to mean, and Mark replied that he is the one who is armed.
- At 16:01 – Mark says, "He is the first one I'm going to kill." Tara asks why, and Mark tells her its because he is the one who can protect the two of them. (Tara and McKenzie)
- At 16:55 – Mark says he is not happy, and he had plans, so she can be a wife, not be a

- wife, or call the Police. Right now.
- At 17:11 – Mark says the last thing he is going to do is turn the gun on himself and before that he was going to shoot every one of her dogs.
  - At 17:25 – Mark says that he is going to punch the TV.
  - At 19:45 – Mark says he may get up in the middle of the night and put a bullet through all three of their heads.
  - At 19:56 – Mark asks if it scares them, and then he tells them to call police.
  - At 21:26 – Mark says, "Here is what's not going to happen. I have too much pride to put a bullet in my head tonight."
  - At 21:45 – Mark then says he feels robbed, because if he wants to have a beer in his house he should be able to.
  - At 23:08 – Mark says if Noah wants to call for back-up, then he has another thing coming, because they are all going down. He then says, "At that point, I don't care."
  - At 23:33 – Mark says "this is all because you" and saying that Tara was joking Christmas Eve.
  - At 23:59 – The video recording ends.

**Review of video recorded 1/5/23 at 3:58 AM lasting 1:05:31**

- At 5:25 – A man who is said to be Mark Capps states that he is very depressed and had been for 6 months. He says he has been depressed since he had to deal with Michelle.
- At 5:40 – The man states he would rather kill himself than do something... (inaudible)
- At 7:12 – The man says, "if you think me trying to protect you, and McKenzie, and Noah from people who I think Jeff is hooked up with and now he's dead, because you will not turn the alarm on, is wrong, then condemn me to hell."
- At 7:31 – the man states, "It occurred to me, is the gun next to my bed loaded" "That's all it was, and you got up and started your shit"
- At 8:29 – The man states, "Is Noah up?"
- At 8:50 – The man says, "Here's the deal, you got three choices. You can act like a wife" (loud noise) "Either a wife or not, and if you pretend, I'm not interested" "I'm going to wind up in jail, or I'm going to wind up dead"
- At 10:00 – The man says, "Tell Noah to think about it before he tries being a hero"
- At 10:48 – The man says, "In jail or dead, ya'lls choice, goodnight"
- At 11:35 – The man says, "Unless you are paying the mortgage, which you're not, don't ever take a beer out of my hand"
- At 11:50 – The man says, "I'm about to start putting holes through the walls"
- At 12:16 – There is very loud banging.
- At 14:20 – The man is complaining about things in the home that needed to be thrown away.
- At 16:18 – Tara says, I'm sorry Mark, and the man replies, "When I start seeing a pattern develop, I just think our marriage is over because you don't give a shit about me."
- At 17:09 – The back and forth arguing continues, and Tara says, "I'm a piece of shit like your brother, Jeff" The man, (Mark) replies, "I didn't say you were a piece of shit like my brother Jeff" and he begins hitting something.
- At 17:19 – Tara says don't and McKenzie says, "please Mark".
- At 17:14 – More loud banging. (Loud banging and yelling)
- At 17:49 – Tara says in a quieter voice, "Go upstairs" (presumably to McKenzie)
- At 18:18 – Mark says, "Did she go get Noah up? I'm sure he's up now. He is the first one down."
- At 18:48 – Mark says, "Where is Noah. He needs to come out armed because he is the

- first one down"
- At 19:30 – Tara says, "Mark please stop"
  - At 19:38 – Mark says, "Stop what, this?" (An audible metallic click can be heard)
  - At 20:32 – Both Tara and McKenzie can be heard pleading with Mark to please stop.
  - At 20:59 – Tara can be heard praying.
  - At 21:59 – Mark states that all is because of his "piece of shit" brother.
  - At 26:50 – Mark is talking about whether Tara will act like a wife or be a wife, when he says, "I'll put a fucking bullet through this dogs head"
  - At 28:24 – Mark complains about his stepmother. Talks about not having his mom, dad, or brother. Claims his career is over.
  - At 30:24 – After complaining that Tara will not turn on the alarm system, he tells her "Do not push the emergency button on me" He says, "You will be dead before they get here"
  - At 30:51 – Mark says, "if he shoots me it's murder, if I kill myself its suicide. So, does the insurance money count?" During this you can hear McKenzie yell "please put your gun down"
  - At 31:12 – Mark says, "Because that's all that matters." "If I kill myself, you get nothing, if he shoots me, its murder, he goes to jail, and you get the insurance money"
  - At 31:54 – Mark says, "Wake Noah up, and he will be the one to murder me"
  - At 33:19 – Marks says, "Every single bill is on me"
  - At 33:35 – Mark is talking about how much money he has to make and then it sounds as if he moves and says, "To make her happy". McKenzie says, "Mark, please" Mark responds with, "It's not cocked"
  - At 35:12 – Mark asks, "McKenzie what do you care about me"
  - At 36:05 – Marks asks, "Where's your boyfriend?" McKenzie responds that he is in the bed. Mark says, "Get him up"
  - At 36:21 – Mark says, "I'm in a mood, someone is gonna die"
  - At 38:45 – Mark states, "I told you the order of importance. Noah goes down first, then you, then McKenzie, then the fucking dogs, then myself. That is where I've been at."
  - At 41:51 – Mark states that he has two live guns.
  - At 42:33 – Mark tells McKenzie to go wake him (Noah) up. Mark says he doesn't care about his life anymore. He tells McKenzie to go wake Noah up, tell him to put everything on, and they will talk. He then said, "We'll make it a hostage situation"
  - At 43:03 – Mark says he is going to count to 10 and then he will do it himself. He then begins counting.
  - At 45:33 – Mark says, "If Noah puts a radio call to anybody, everybody is dead."
  - At 46:30 – Tara says, "you love me so much you want to shoot me?" Mark responds, "No, I'm going to shoot Noah"
  - At 47:55 – Mark calls out Noah's name, and he responds, "Yea". Mark asked him if he was packing, if he had his radio on, or if he had called anybody.
  - At 48:17 – Noah asks Mark why he had guns out.
  - At 48:38 – Mark says, "Uncocked, please come down."
  - At 49:16 – Mark tells Noah to please come down. Noah says put the guns down. Mark says no.
  - At 49:36 – Noah says, "I don't feel comfortable with the guns." Mark says you're the first one to go.
  - At 50:48 – Mark begins counting. McKenzie says ok Mark we are down here.
  - At 52:06 – Marks says, "Noah". There are some metallic sounds and then Mark says, "Empty" McKenzie asked about the other one, and Mark stated that as soon as he emptied that one, Noah would call the police.
  - At 53:08 – Mark then explains again that he had been going through depression the last



- six months. He talks about dealing with Michelle over his dads' possessions.
- At 54:00 – Mark continues to complain about work, and mentions going to Norway for Thanksgiving, complains about his birthday.
  - At 55:08 – Mark talks about having a huge blow out with his brother two days after his birthday.
  - At 56:06 – Mark is explaining that he woke up and checked for his revolver, then stops and asked, "Where is the revolver?"
  - At 56:47 – Mark tells them he was making sure they were protected.
  - At 57:35 – Mark states that he has had the worst month since 9/11.
  - At 58:50 – Mark states that he refuses to spend the rest of his career working on bad shit. He said he would rather work at Starbucks or be in the ground.
  - At 59:45 – Tara apologizes and said she misunderstood what he was doing. McKenzie also apologizes.
  - At 59:59 – Mark says, "Off the record, night before, it was going to be me."
  - At 1:00:40 – Mark says he didn't mean to scare any of them, but she (Tara) took a beer away from him.
  - At 1:01:43 – Mark said two nights ago he was done, but then Jeff did what he did and now he has to deal with his stuff.
  - At 1:02:59 – Mark says, "I don't know what you are required to report" Noah says, "I'm not required to report anything." McKenzie then tells him that she will make sure he doesn't report anything if he doesn't want him to.
  - At 1:03:47 – Mark blamed Tara for not getting money to give him for the house and not helping to pay the mortgage.
  - At 1:05:31 – Mark is continuing complaining when the video recording ends.

For further information, please refer to the complete audio/video recording in the investigative case file.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 66

**Author:** Scarbro, James H

**Activity Date:** 01/23/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/24/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Investigative Activity - Release of 8GB Data Storage Device to Detective Jeff Gibson

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 23, 2023, Special Agent (SA) James Scarbro released one 8GB thumb drive containing interviews of MNPB Officers completed as part of this investigation to MNPB Detective Jeff Gibson. The interviews consisted of officers' KENDALL COON, Tim Brewer, and Jason Rader.

SA Scarbro completed a property release form documenting the transfer of the thumb drive to Detective Jeff Gibson and provided a copy of the TBI file release memorandum. A copy of the property release form will also be submitted to the case file.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 67

**Author:** Scarbro, James H

**Activity Date:** 01/23/2023

**Case Agent:** Scarbro, James H

**Report Date:** 01/24/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Property Release - 8GB Digital Storage Device

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

**RECEIPT / RELEASE FORM**

TBI Case # NA-SU-000053 (If Applicable)

Date: 1/23/23

TBI CI # \_\_\_\_\_ (If Applicable)

On the above date, Jeff Gibson, received from SA Jim  
 Print Name of Receiver Print Name of Donor

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of

[illegible]

1. [Signature]  
Released By: 1/23/03

SA Jim Scarbaw 10/13  
Title (Print)

Released To:  MNPD 

Released To:

**Title (Print)**

Continu

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 68

**Author:** Scarbro, James H

**Activity Date:** 02/01/2023

**Case Agent:** Scarbro, James H

**Report Date:** 02/01/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Recovery of Evidence - USB Containing MNPDP Case File - 23-0008879

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On February 1, 2023, Special Agent (SA) James Scarbro met Detective Mike Roland at the Metro Nashville Police Department Headquarters office located at 600 Murfreesboro Pike, Nashville, Tennessee. The purpose of this meeting was to obtain the Metro Nashville Police Department (MNPDP) case files for case number 23-008879.

Detective Roland provided SA Scarbro with an 15GB USB electronic storage device which contained a case summary/incident reports, officer and investigative supplemental reports, CAD reports, Audio files, Fire/EMS reports, domestic violence report, and the arrest warrants related to CAPPS.

The digital storage device contained 37 officer supplemental reports that included the report from SGT Jonathan Frost explaining the operation SRT intended to implement prior to the shooting.

The audio files included on this USB contained the multiple radio transmissions from that day including the audio interview between Tara Capps and McKenzie Acuff with MNPDP detectives. During this interview, Capps and Acuff explain and describe what happened between them and MARK CAPPS in the early morning hours of January 5, 2023, at [REDACTED], Hermitage.

Due to the voluminous amount of records associated with MNPDP case file 23-008879, these records will be retained in the case agent's working case file and copies provided to the District Attorney's Office upon request.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 69

Author: Scarbro, James H

Activity Date: 02/01/2023

Case Agent: Scarbro, James H

Report Date: 02/01/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: TIBRS Report - 2023-0022236

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

Incident Report

Document Seq: 2440018, Document Title: TB - TIBRS Report - 2023-0022236.pdf

G:\ISIS\_Submittals\MCID\James Scarbro\NA 50-00055\TB - TIBRS Report - 2023-0022236.pdf

MPD Incident No.	2023-0022236
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Part 1 Incident

2. Related Incident

2023-0008879  
2023-0022235

3. Other Police Agency and Case Incident No.  
N/A

1. Report Type DISPATCHED	5. Report Date Time 01/19/2023 09:24	6. Incident Date Time From: 01/05/2023 14:00 To: 01/05/2023 14:00	Precinct HERMITAGE
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7. Reporting/Dispatched Location

8. Address of Incident

9. Offense Code 09C - Justifiable Homicide	10. Offense Description JUSTIFIABLE HOMICIDE	11. Status COMPLETED	12. Location Type Code RESIDENCE, HOME
3. Weapon Code (Enter up to 3) RIFLE			
4. Activity Code (Enter up to 3)			
5. Hate Crime Suspected NO	16. Suspected Gang Activity NO	16a. Terrorism Suspected NO	16b. Cybercrime Suspected
		17. (For Burglary) If Hotel/Motel/Rental Storage No of premises entered	18. (For Burglary/Robbery) Home Invasion?

Part 2 Victim

Victim 1	31. Victim Type INDIVIDUAL (18 AND OVER)	19. (Last, First, Middle Name or Business Name) CAPPS, MARK J	Officer ENO
20. Social Security Number		21. Driver's License Number	
22. Address of Victim Same as Address of Incident Block 8			
23. 44LE	24. Race WHITE	25. Ethnicity NOT HISPANIC OR LATINO	27. County Resident YES
		28. D.O.B.	29. Age 54 Y
29.1. Phone Numbers Home: Work: Cell/Pager:			
30. Victim of Offenses: (Ref Block #9)			

09C - Justifiable Homicide

32. Local College Student? (If yes, last name of college/university) N/A			
33. Employment N/A			
34. Domestic Disturbance? No	Was Order of Protection violated?	Was victim taken to safe place?	Were children taken to safe place?
Were children present during incident?			
35. Victim to Suspect Number: 1 Name: COON, ASHLEY KENDALL Relationship: VICTIM WAS STRANGER			
36. Aggravated Assault/Homicide Circumstances		37. Negligent Manslaughter	
		38. Justifiable Homicide CRIMINAL KILLED BY POLICE OFFICER CRIM KILLED BY ATTACKED OFFICER	
38.1. Will Victim Prosecute? NO		38.2. Can ID Suspect: NO	

123. Signature of Recipient/Authorizer: N/A

127. Advisory Notice Issued  
NOT APPLICABLE

Part 3 Suspect

Suspect 1	92. (Last, First, Middle Name) COON, ASHLEY KENDALL	94. SSN and/or Driver's License Nbr. SSN:
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93. Address of Suspect

95. Phone Number

Document Seq: 240918, Document Title: TB - TIBRS Report - 2023-0022236.pdf		104. Height		105. Weight	
97. Sex MALE	98. Race WHITE	99. Age 36 Years	104. Height 6 feet 00 inches		105. Weight 170 lbs
106. Hair BROWN			107. Eyes HAZEL		
108. Scars and Other Identifiers			109. Clothing		
102. Suspected of Using N/A			103. Status (Enter up to 2) AT LARGE		
96. Weapon/Tool (Enter up to 3) RIFLE					
110. Vehicle Used None					
Year		Make	Model	Body	Color
License Plate Number		State		Year	

## Part 4 Other Person

OP 1	39. Other Person Type (Non-Victim) WITNESS	40. (Last, First, Middle Name) RADER, JASON BART			
11. Address		42. Place of Employment/School MNPd			
43. Status NOT INTERVIEWED		44. Sex MALE	45. Race WHITE	46. D.O.B.	47. Age 46 Years
				47.1 Can ID Suspect YES	
48. Phone Numbers					
Home:		Work:		Cell/Pager:	
OP 2	39. Other Person Type (Non-Victim) WITNESS	40. (Last, First, Middle Name) BREWER, TIMOTHY A			
11. Address		42. Place of Employment/School MNPd			
43. Status PE QUESTIONED		44. Sex MALE	45. Race WHITE	46. D.O.B.	47. Age 42 Years
				47.1 Can ID Suspect YES	
48. Phone Numbers					
Home:		Work: (615) 880-3032		Cell/Pager:	

## Part 5 Property N/A

30. If Offense was arson and Property was structure, was the structure occupied?

Complete Items 50-58 and 81-84 for Drug/Narcotic Violation

## Drugs N/A

## Part 6 Injury and Transport

1	85. Injured VICTIM 1 CAPPS, MARK J				
36. Injury Code (Enter up to 5) GUNSHOT					
37. Describe Injury multiple gunshot wounds to chest					
38. Medical Treatment NASHVILLE FIRE DEPARTMENT			89. Transported By OTHER MEDICAL EXAMINER		
90. Examining Physician MEDICAL EXAMINER		91. Status NOT APPLICABLE			

## Part 7 Search by Officer N/A

## Part 8 Other Units Requested

113. I.D. Section Called to Scene N/A		Yes for:		Other:	
Part 9 LEOKA		115. Police Assault Cleared		116. First Weapon Encountered	
				117. Type of Activity	
118. Officer Assignment		119. LEOKA Incident Type			



120.

The suspect in this investigation is an MNPD SWAT SRT Officer. The witnesses are MNPD SWAT SRT Officers. From viewing BWC worn by the suspect and two witnesses, and a statement of SRT Officer Coon, and a statement of Officer Radwin, the following information is believed to be multiple aggravated assault with a deadly weapon and assault on the victim. Officer Coon provided cover for Officer Radwin and Officer Brewer as they prepared the exterior door for a possible breach. The victim opened the door and pointed a handgun at the three officers and ignored commands issued at him by Officer Coon. Officer Coon felt the victim was about to shoot them so they shot him and he killed the victim in their defense.

The victim died at the scene. The Tennessee Bureau of Investigation is leading the investigation.

121 ☐ Worn Camera or In-Car Camera Evidence May Exist Related To This Incident: **Yes**

12. Report is Continued on: **N/A** (Check all that apply)

130. Primary Investigative Unit: **HOMICIDE** Reporting Agency: **METROPOLITAN NASHVILLE POLICE DEPARTMENT**

128. Case Status:	Cleared by Exception:
<b>OPEN</b>	

124. Reporting Officer (First, MI, Last)	Employee No.	Agency	Radio Call Sign	District
<b>William (MNPD) Roland</b>		<b>TN0190100</b>	<b>3114</b>	

125. Approving Supervisor	Employee No.	Agency
Robert Nielsen	[REDACTED]	TN0190100

126. Data Entry		Employee No.	Agency	Date
Katherine	Hawkins		TN0190100	01/21/2023

Comments

## Crime Scene Photos

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 70

**Author:** Scarbro, James H

**Activity Date:** 02/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 02/06/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Investigative Activity - Medical Examiner Evidence Items

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On February 2, 2023, Special Agent (SA) James Scarbro went to the Davidson County Medical Examiner's Office located at 850 R.S. Gass Boulevard in Nashville, Tennessee. The purpose of this visit was to pick up evidence the Medical Examiner recovered during the autopsy of MARK JASON CAPPS.

SA Scarbro met with Daniel Beard and signed a property receipt for 14 items. These items included a set of keys, white metal ring, blood spot, hair, nail clippings, Palm print card, Fingerprint card, blue pants, blue shirt, blue undershorts, three bullet (projectiles), and 1 envelope with "foreign debris from left arm". These items were secured in the temporary vault in MID-CID.

On February 6, 2023, SA Scarbro submitted all items to evidence receiving at TBI. Property receipts of this transaction will be included in the electronic investigative case file as separate reports.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 71

**Author:** Scarbro, James H

**Activity Date:** 02/06/2023

**Case Agent:** Scarbro, James H

**Report Date:** 02/06/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Property Release - Medical Examiner Items

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



RECEIPT / RELEASE FORM

TBI Case # NA-5U-000053 (If Applicable)

Date: 2/2/23

TBI CI # \_\_\_\_\_ (If Applicable)

On the above date, MIDCID Locker, received from SA J  
Print Name of Receiver Print I

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation

No.	Quantity	Description of Items	
1	1 envelope	Palm Print Card: Fingerprint Card <sup>m.</sup> copies	m
2	1 bag	Keys & Ring	m
3	1 bag	Blue Pant, Blue Shirt, & Blue undershirt	m
4	1 bag	Hair from Head	m
5	1 bag	Nail Clippings	m
6	1 bag	Blood Spool	m
7	1 bag	3 x Bullets	m
8	1 bag	Debris from Left arm	m

Con

1. James H. Scarbro  
Released By: SA  
James Scarbro MIDCID  
Title (Print)

MIDCID Locker  
Released To:  
2/2/23 @ 11:27 AM  
Title (Print)

2. MIDCID Locker

J H Scarbro

TRANSFER RECEIPT

Name: Mark J. Capps

<u>Y</u>	<u>Item</u>	<u>Description</u>	<u>Container Type:</u>	<u>Date/Time</u>
	Key	key chain	Clear Plastic Heat Seal Bag	2/2/2023 9:51:56AM
	Ring	white metal ring		2/2/2023 9:51:56AM
	Blood Spot	Blood Spot For Agency		2/2/2023 9:51:56AM
	Hair	from head		2/2/2023 9:51:56AM
	Nail Clippings	from L & R hand		2/2/2023 9:51:56AM
	Palm Print Ca	from L & R Hand		2/2/2023 9:51:56AM
	Fingerprint Ca	from L & R hand		2/2/2023 9:51:56AM
	Pant	blue ( cut)		2/2/2023 9:51:56AM
	Shirt	blue (cut)		2/2/2023 9:51:56AM
	Undershirt	blue		2/2/2023 9:51:56AM

Name: Mar Capps

Item Description

Date/Time

To Organization: TBI

To Person: Special Agent Jim Scarbro



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 72

Author: Scarbro, James H

Activity Date: 02/09/2023

Case Agent: Scarbro, James H

Report Date: 02/14/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Investigative Activity - Review of M. Capps iPhone

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On February 9, 2023, Special Agent (SA) James Scarbro went to the Cybercrime and Digital Evidence Unit (CDEU) to pick up the iPhone belonging to MARK CAPPS and the forensic analysis data pertaining to the phone.

SA Scarbro secured the cellular phone in the TBI evidence locker and reviewed the contents of this phone for any video related to the events that occurred at [REDACTED] on January 5, 2023. After a review of the contents of the phone SA Scarbro noted significant investigative items which are listed in order by date and time below:

- On 12/19/22, CAPPS searched the internet for "Best Wi-Fi hidden Cameras"
- Facebook Messenger call from Jeff Capps to MARK CAPPS on 12/16/22 at 5:50 PM for 3 minutes. (Refer to Investigative Report (IR) #40 for relevant information – Copeland interview provided text messages from CAPPS talking about a bad conversation with his brother and ending with him putting a gun to his own head. This text conversation between Copeland and CAPPS occurred at 5:54 PM on 12/16/22. The text messages between Copeland and CAPPS were not found on his phone)
- On 12/24/22 at 7:41 PM, CAPPS searched the internet for "TN Divorce Laws/inherited".
- On 12/24/22 at 9:55 PM, CAPPS searched the internet for "Sexless Marriage".
- On 12/26/22 at 11:28 AM, CAPPS searched the internet for "No sex at Christmas Time".
- On 12/27/22 at 3:42 PM, CAPPS searched the internet for "TN Divorce Laws".
- On 12/28/22 at 4:40 PM, CAPPS searched the internet for "Fatal Dose Lortab".
- On 12/28/22 at 4:42 PM, CAPPS searched the internet for "Fatal Dose Xanax".
- Recording 12/30/22 of conversation between CAPPS and Tara Capps talking about how he is tired, depressed, and tired of everything. CAPPS states he is depressed and doesn't know how to get out of it. Tara Capps asks what he is taking that makes him mean, and what can she do. (File Systems, 20221230 113732.m4a)

- Collene Walters Facebook Messenger 1/4/23 at messages begin at approximately 1:00 AM, the entire message conversation was deleted. The last message at 3:00 PM was deleted and no content can be read. (Refer to IR #60 for relevant information)
- Voice Message left by contact, CSP Therapist from [REDACTED] on 1/4/23 at approximately 8:10 AM, stating, "Hey Mark, its Brenda, I wanted to call, because I just saw your post from 8 hours ago, I'm sorry, give me a call when you get a minute and let's talk about this."
- Call to CocoLoco at [REDACTED], Colleen Walters, on 1/4/23 at 5:04 PM for 23 minutes and 37 seconds. (Refer to IR #60 for relevant information)
- Facetime with CocoLoco (Collene Walters) 1/4/23 at 5:28 PM for 30 minutes. (Refer to IR #60 for relevant information)
- Collen Walters sent an SMS to CAPPs on 1/4/23 at 7:31 PM (Refer to IR #60 for relevant information)
- Facetime with Josh Swift 1/4/23 at 7:42 PM for 1 hours and 6 minutes. (Refer to IR #63 for relevant information)
- Call to Juanita Copeland on 1/4/23 at 9:11 PM for 4 minutes 24 seconds. (Refer to IR #40 for relevant information)
- Facetime with Josh Swift 1/5/23 at 1:07 AM for 9 minutes. (Refer to IR #63 for relevant information)
- The application usage log in the phone indicates that between 12:41 AM and 1:17 AM on 1/5/23 an application called "com.dlink.mydlinkunified" was used on the phone 4 times.
- The cell phone "device event" section of the forensic analysis shows the last time the phone was unlocked was on 1/5/23 at 1:30 PM. (The shooting occurred at approximately 2:10 PM as indicated on MNPd body worn camera)
- No texts messages between Juanita Copeland and CAPPs. (Refer to IR #40 for relevant information)
- There is a break in Facebook Messenger messages from 12/16/22 through 1/4/23. It appears messages were deleted from this time period.
- There is a break in Facetime calls from 12/15/22 through 1/4/23. It appears calls were deleted from this time period.

For further information, please refer to the complete records maintained in the investigative case file.

JHS/mcw



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 73

**Author:** Scarbro, James H

**Activity Date:** 02/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 02/14/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Property Release - Capps Phone

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 73

**Author:** Scarbro, James H

**Activity Date:** 02/09/2023

**Case Agent:** Scarbro, James H

**Report Date:** 02/14/2023

**SAC/ASAC:** Neese, Nathan L

**Approved By:** Neese, Nathan L

**Description:** Property Release - Capps Phone

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



TENNESSEE BUREAU OF INVESTIGATION

RECEIPT / RELEASE FORM

TBI Case # NA-5U-000053 (If Applicable)

Date: 1/6/03

TBI CI # NA-99E-001753 (If Applicable)

On the above date, \_\_\_\_\_, received from James  
Print Name of Receiver Print

the below listed items pursuant to an official investigation conducted by the Tennessee Bureau of Investigation

No.	Quantity	Description of Items
1	1	iPhone → Black case

Con

1. [Signature]  
Released By: 1/6/03

MIDCID Locker  
Released To: [Signature]

James Scarbro 1050am  
Title (Print)

Title (Print)

2. MIDCID Locker

[Signature]

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 74

Author: Scarbro, James H

Activity Date: 02/22/2023

Case Agent: Scarbro, James H

Report Date: 02/22/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Lab Report - Firearms Report - 1.31.23

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]



BILL LEE  
Governor

TENNESSEE BUREAU OF INVESTIGATION  
NASHVILLE CRIME LABORATORY  
901 R.S. Gass Boulevard  
Nashville, Tennessee 37216-2639



DAVID B. RAUSCH  
Director

**OFFICIAL FIREARMS REPORT**

TO: James Scarbro  
TBI - Middle CID  
AGENCY CASE NO: NA5U000053

DATE ISSUED: 1/31/23  
LAB CASE NO: 231000249  
COUNTY: Davidson

**LAW ENFORCEMENT**

ASHLEY KENDALL COON

**OTHER**

MARK J CAPPS

Received From: James Scarbro  
Received By: Leslie Hall

Date Received: 1/6/23  
Time Received: 9:50 am

**EXHIBIT(S):**

001-a Colt model M4 Carbine, 5.56mm caliber rifle w/magazine, s/n [REDACTED] from [REDACTED]  
001-b Twenty-six (26) 5.56mm caliber cartridges from magazine-(5) retained for testing purposes at TBI Laboratory

**RESULTS:**

Examination and test firing of the rifle in Exhibit 1a revealed it to be in normal operating condition with the safety feature functioning.

Five (5) cartridges from Exhibit 1b were used for testing purposes and will be retained at the TBI Crime Lab .

Additional examinations will be performed upon request by the District Attorney General .

**DISPOSITION:**

Test fires will remain on file. Please pick up evidence within thirty days.

Respectfully Submitted,

*Denver Hall*

Denver Hall  
Special Agent / Forensic Scientist

The above represents the interpretations and opinions of the analyst.  
Technical notes and data supporting the conclusions/findings in this report are maintained within the laboratory case records.  
Information regarding NIBIN leads may be shared with law enforcement only databases.



# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 75

Author: Scarbro, James H

Activity Date: 02/22/2023

Case Agent: Scarbro, James H

Report Date: 02/22/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: List of Exhibits

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]  
(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

TBI Special Agent (SA) James Scarbro noted the following items of evidence pursuant to the investigation of the above referenced case:

- 1) Metro arrest warrants (4 pages) Inn Video – refer to Investigative Report (IR) #4 for additional information.
- 2) MNPB Body Worn Camera digital files (COON, Rader, Brewer) – refer to IR #7 for additional information.
- 3) Document Firearms Trace Results – refer to IR #17 for additional information.
- 4) Digital recordings of from Mackenzie Acuff – refer to IR #21 for additional information.
- 5) Audio recorded interview with Zachery Silva – refer to IR #22 for additional information.
- 6) Ring Doorbell video from [REDACTED] – refer to IR #26 for additional information.
- 7) Cell phone video from John Carter – refer to IR #29 for additional information.
- 8) Ring Doorbell video from [REDACTED] – refer to IR #30 for additional information.
- 9) Cellphone data extraction Tara Capps cellphone – refer to IR # 34 for additional information.
- 10) Audio recorded interview with ASHLEY KENDALL COON – refer to IR #36 for additional information.
- 11) Audio recorded interview with Jason Rader – refer to IR #38 for additional information.
- 12) Audio recorded interview with Jason Rader – refer to IR #40 for additional information.
- 13) MNPB Incident Report 23-0004654 from 1/3/23 – refer to IR #42 for additional information.

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IR # 75  
Page 1

information.

- 14) Audio recorded interview with Juanita Copeland – refer to IR #44 for additional information.
- 15) Text messages between Copeland and Capps – refer to IR #45 for additional information.
- 16) Cellphone data extraction McKenzie Acuff cellphone – refer to IR #52 for additional information.
- 17) NFD Incident Report FFD0230105002207 – refer to IR #50 for additional information.
- 18) MNPd DV Report 2023-0008879 – refer to IR #55 for additional information.
- 19) MNPd COON Firearm Training File – refer to IR #58 for additional information.
- 20) Audio recorded interview with Colleen Walters – refer to IRs #60 for additional information.
- 21) Audio recorded interview with Josh Swift – refer to IR #63 for additional information.
- 22) Digital file (Flash drive) containing case summary/incident reports, officer and investigative supplemental reports, CAD reports, Audio files, Fire/EMS reports, domestic violence report, and the arrest warrants related to CAPPs – refer to IR #68 for additional information.
- 23) Medical Examiner evidence items (set of keys, white metal ring, blood spot, hair, nail clippings, Palm print card, Fingerprint card, blue pants, blue shirt, blue undershorts, three bullet (projectiles), and 1 envelope with "foreign debris from left arm"). – refer to IR #70 for additional information.
- 24) Cellphone data extraction MARK CAPPs cellphone – refer to IR #72 for additional information.

It should be noted that the above list of exhibits is not an all-inclusive list. Other exhibits may be developed at a later date due to the fact that this investigation is continuing. This list of exhibits is current as of the date this report was submitted.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 76

Author: Scarbro, James H

Activity Date: 02/22/2023

Case Agent: Scarbro, James H

Report Date: 02/22/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: List of Witnesses

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

TBI Special Agent (SA) James Scarbro noted the following list of witnesses regarding the above referenced case:

- 1) James Scarbro, Special Agent, TBI: Post Office Box 8081, Gallatin, Tennessee, 37066, Business Telephone: [REDACTED]
- 2) Chris Houk, Special Agent, TBI: 901 R.S. Gass Blvd. Nashville Tennessee, 37216, Business Telephone: [REDACTED]
- 3) Eric Reed, Special Agent, TBI: 901 R.S. Gass Blvd. Nashville Tennessee, 37216, Business Telephone: [REDACTED]
- 4) Kendall Henderson, Special Agent, TBI: 901 R.S. Gass Blvd. Nashville Tennessee, 37216, Business Telephone: [REDACTED]
- 5) Andrew Vallee, Special Agent, TBI: 901 R.S. Gass Blvd. Nashville Tennessee, 37216, Business Telephone: [REDACTED]
- 6) Shannon Crook, MD, Medical Examiner, Office of the Medical Examiner, 850 R.S. Gass Blvd., Nashville, Tennessee, 37216, Business Telephone: 615-743-1800.
- 7) Tracey West – refer to Investigative Report (IR) # 15 for contact information.
- 8) Tara Capps – refer to IR # 19 for contact information.
- 9) McKenzie Acuff – refer to IR # 19 for contact information.
- 10) Zachary Silva – refer to IR # 22 for contact information.
- 11) Elizabeth Macias – refer to IR # 23 for contact information.
- 12) Faye Rogers – refer to IR # 24 for contact information.
- 13) John Carter – refer to IR # 25 for contact information.

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IR # 76  
Page 1



- 14) Sam Tessenholtz – refer to IR # 26 for contact information.
- 15) William White – refer to IR # 27 for contact information.
- 16) Jason Rader – refer to IR # 38 for contact information.
- 17) Tim Brewer – refer to IR # 40 for contact information.
- 18) Juanita Copeland – refer to IR # 44 for contact information.
- 19) Colleen Walters – refer to IR # 60 for contact information.
- 20) Josh Swift – refer to IR # 63 for contact information.

It should be noted that the above list of witnesses is not an all-inclusive list. Other witnesses may be developed at a later date due to the fact that this investigation is continuing. This list of witnesses is current as of the date this report was submitted.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 77

Author: Scarbro, James H

Activity Date: 02/22/2023

Case Agent: Scarbro, James H

Report Date: 02/22/2023

SAC/ASAC: Neese, Nathan L

Approved By: Neese, Nathan L

Description: Summation of Investigation

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On January 5, 2023, the District Attorney General (DAG) for the 20<sup>th</sup> Judicial District, Glenn Funk, requested the Tennessee Bureau of Investigation (TBI) investigate an officer involved shooting (OIS) that occurred at [REDACTED], Hermitage, Davidson County, Tennessee. The OIS event involved Metro Nashville Police Department (MNPd) SWAT member ASHLEY KENDALL COON. The incident occurred at approximately 2:00 PM in Hermitage, Davidson County, Tennessee.

Special Agent (SA) James Scarbro arrived at [REDACTED], Hermitage at approximately 3:18 PM and made contact with Special Agent in Charge (SAC) Joe Craig. Other TBI agents present at that time were SA Andy Vallee and SA Eric Reed. SAC Craig explained that Metro Nashville Police Department (MNPd) representative Lieutenant Brent Gipson reported that the Special Response Team (SRT) had been requested to serve arrest warrants for CAPPS. SA Scarbro learned that Tara Capps, McKenzie Acuff, and Noah Silva were in the home very early Thursday morning (3:00 AM), when CAPPS gathered everyone in the living room and held them at gun point refusing to let them leave or call anyone. CAPPS was reportedly drinking and taking medications and threatening to kill them or anyone who came to the house, but he eventually fell asleep giving them time to leave and go to the police department. SA Vallee obtained copies of the four arrest warrants charging CAPPS with Aggravated Assault and Kidnapping and provided those to SA Scarbro.

Initial reports were that three members of the SRT were at the front door of [REDACTED] when CAPPS opened the door and pointed a pistol at officers. The three officers were Officer ASHLEY KENDALL COON, Officer Tim Brewer, and Officer Jason Rader. Officer COON is the officer who fired his weapon.

At approximately 3:35 PM, SA Chris Houk began taking photographs of the crime scene and officers' uniforms.

At approximately 3:45 PM SA Scarbro attempted to take statements from officers COON, Brewer, and Rader but all three declined until they could speak with their attorney's. Officer's Rader and Brewer agreed to provide limited information to agents processing the crime scene with their attorney present, Jack Byrd, so that agents had an understanding of exactly where the shooting took place and what evidence items may be present and required collection.

At approximately 4:10 PM SA Scarbro collected the rifle belonging to Officer COON for firearms testing. A property receipt was prepared and documented the collection.

While agents were working the crime scene at [REDACTED], SA Kendall Henderson interviewed Tara Capps and McKenzie Acuff at approximately 4:19 PM while they were at the Metropolitan-Nashville Police Department (MNPd) Family Safety Center located at 610 Murfreesboro Pike in Nashville, Tennessee.

At approximately 4:30 PM SA Reed began conducting a neighborhood canvas to collect any witness statements.

At approximately 4:34 PM, SA Houk, SA Vallee, and SA Scarbro began marking and collecting evidence items from the crime scene. After evidence items were marked, the Metro Nashville Community Oversight (MNCO) Board members requested to walk through and see the crime scene. SA Scarbro stood at the edge of the crime scene tape and pointed out evidence items to Jill Fitchard and MNCO investigators. (Refer to the MNPd crime scene log which documented all who entered the crime scene tape)

At approximately 4:34 PM SA Houk, SA Scarbro, and SA Vallee began processing the crime scene after a signed consent to search form was completed by SA Kendall Henderson. SA Houk took overall photographs of the front exterior of the home, front lawn, and overall photographs of the interior of the home. Evidence markers were placed for the following pieces of evidence:

1. Spent Cartridge Case
2. Spent Cartridge Case
3. Spent Cartridge Case
4. Spent Cartridge Case
5. Taurus Judge (.410/45LC) Handgun with (5) .410 Shotgun Shells SN: [REDACTED]
6. Spent Distraction Device
7. Spent Distraction Device
8. Entry / Exit holes in front door of residence

At approximately 4:45 P.M. items 1,2,3,4, and 5 were collected as evidence. Distraction devices (6 & 7) were photographed and collected by Metro Nashville Police Department. Item number 8 was photographed and remained at the residence.

At approximately 5:00 P.M. the Medical Examiner (Megan Whitesell) arrived on scene and collected the body of CAPPS. At this time preliminary photographs were taken of CAPPS inside Nashville Fire Department ambulance.

At approximately 5:45 PM SA Houk, with assistance from SA Scarbro and SA Vallee, completed processing the crime scene. At approximately 5:50 PM SA Scarbro locked the front door of [REDACTED] and released the crime scene to MNPd Officers.

On Thursday, January 5, 2023, at approximately 6:25 PM SA Scarbro received a series of emails from Lieutenant Samuel Tetterton from the Metro Nashville Police Department (MNPd). The emails contained a purpose release form for signature and a link to download body worn camera video from Officer's COON, Rader, and Brewer showing the events of the officer involved shooting at [REDACTED]

On Friday, January 6, 2023, at approximately 9:50 AM SA Scarbro submitted 4 fired cartridge casings and 1 Colt rifle (S/N [REDACTED]) to the Nashville Crime Lab for forensic analysis. The Taurus revolver (confirmed CAPPS as owner) was submitted to the MID CID vault for storage.

On January 6, 2023, at approximately 11:30 AM SA Scarbro returned a phone call to Tracey West after he had telephoned the Metro Nashville Police Department (MNPd) advising that he had information concerning this investigation. West advised that he was friends with CAPPS brother who was found deceased on 1/3/2023 and knew that CAPPS and his brother had been arguing.

At approximately 12:35 PM Special Agent (SA) James Scarbro attended the autopsy of MARK JASON CAPPS.

At approximately 2:33 PM TBI agents interviewed Zachery Silva.

At approximately 4:04 PM SA Scarbro and SA Henderson met with Tara Capps to conduct a forensic extraction of her cellular phone. The purpose was to obtain text messages and video sent to her by CAPPS on that day.

On Saturday, January 7, 2023, at approximately 11:55 AM TBI agents interviewed Officer ASHLEY KENDALL COON.

On Monday, January 8, 2023, at approximately 8:48 AM TBI agents interviewed Officers Tim Brewer and Jason Rader.

On Tuesday, January 9, 2023, at approximately 1:06 PM SA Scarbro interviewed Juanita Copeland who advised she was friends with CAPPS and knew that he was upset over his late father's estate. She also provided text messages and a photo from December 16<sup>th</sup> where CAPPS sent her a picture of him holding a gun to his head claiming he just had an argument with his brother.

Between January 9, 2023, and January 17, 2023, SA Scarbro obtained multiple reports from different agencies that included CAD reports, NFD incident reports, MNPd incident reports, as well as radio and phone recordings related to this incident.

On Friday, January 13, 2023, at approximately 3:00 PM SA Scarbro interviewed Colleen Walters who advised she spoke with CAPPS the night before the shooting.

On Wednesday, January 18, 2023, at approximately 5:21 SA Scarbro interviewed Josh Swift who advised he spoke with CAPPS multiple times in the days leading up to the shooting. On January 4, 2023, Swift said CAPPS called him via Facetime and stated, "Tell me not to do it". He said he didn't know what he meant, and CAPPS responded with, "Tell me to put it away". Swift advised that is when he realized CAPPS was suicidal. Swift also said CAPPS asked him not to tell anybody, but he was ok. He advised that he received a text message from CAPPS around 12:54 AM on January 5, 2023. The text read, "Please keep our conversation in trust. Thx you". At 12:56 AM CAPPS sent another text that read, "Tara woke me up in a panic". Swift said CAPPS called him around 1:10 AM via Facetime. He said CAPPS had the phone so close to his face that all he could see was his nostrils and the back of his throat. He said CAPPS'

speech was very labored and his eyes were rolled into the back of his head. He said CAPPS was telling him that he tried to text back but couldn't.

On Thursday, January 19, 2023, SA Scarbro conducted a detailed review of the video/audio recordings of CAPPS made by McKenzie Acuff in the early morning hours (3:30 AM) of January 5, 2023. CAPPS can be heard on the recording claiming that he is going to kill Tara, McKenzie, Zachery, and the dogs. CAPPS said he would then kill himself. At certain times during the recording an audible metallic clicking sound can be heard. CAPPS can also be heard saying if the boyfriend shoots him, then its murder, but if he kills himself it is suicide and then asks what that means about the insurance.

On February 1, 2023, SA Scarbro received the Metro Nashville Police Department (MNPd) file for case number 23-008879 which contained case summary/incident reports, officer and investigative supplemental reports, CAD reports, Audio files, Fire/EMS reports, domestic violence report, and the arrest warrants related to CAPPS.

On February 2, 2023, SA Scarbro collected items from the medical examiner's office. These items included a set of keys, white metal ring, blood spot, hair, nail clippings, Palm print card, Fingerprint card, blue pants, blue shirt, blue undershorts, three bullet (projectiles), and 1 envelope with "foreign debris from left arm".

It should be noted that this report serves as only a synopsis of events surrounding this investigation. For detailed information concerning this investigation refer to Investigative Reports and Related Items submitted to this case file.

JHS/mcw

# TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT

Case # : NA-5U-000053

IR # : 78

**Author:** Scarbro, James H

**Activity Date:** 04/17/2023

**Case Agent:** Scarbro, James H

**Report Date:** 04/17/2023

**SAC/ASAC:** Savley, Joshua Paul

**Approved By:** Savley, Joshua Paul

**Description:** Recovery of Evidence - Medical Examiner Report and Autopsy Photos

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

On April 17, 2023, Special Agent (SA) James Scarbro obtained a copy of the Medical Examiners report and autopsy photos pertaining to the autopsy of MARK CAPPS. Dr. Shannon Crook conducted the autopsy and determined the cause of death as "Gunshot wounds of the torso" and the manner of death as "Homicide".

This report has been submitted to the case file as a separate document and the photos maintained in the case agents investigative working case file.

JHS/mcw

<b>TENNESSEE BUREAU OF INVESTIGATION INVESTIGATIVE REPORT</b>	<b>Case # :</b> NA-5U-000053 <b>IR # :</b> 79
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**Author:** Scarbro, James H

**Activity Date:** 04/17/2023

**Case Agent:** Scarbro, James H

**Report Date:** 04/17/2023

**SAC/ASAC:** Savley, Joshua Paul

**Approved By:** Savley, Joshua Paul

**Description:** Medical Report - Medical Examiner 23-19-0124

(LE-A) ASHLEY KENDALL COON, W/M, DOB: [REDACTED]

(O-A) MARK JASON CAPPS, W/M, DOB: [REDACTED]

## REPORT OF INVESTIGATION BY COUNTY MEDICAL EXAMINER

Case Number: MEC23-0066

Name of Decedent Mark J. Capps		Age 54 Years	Race White	Date of Birth [REDACTED]	Sex Male
Address [REDACTED]					
Date of Death 01/05/2023 2:22 PM		Type of Death Suspected Homicide		Investigating Agency/Complaint #: TN Bureau of Investigation, Complaint #: NA5U000053	
Place of Death [REDACTED]					
<p><b>Narrative Summary</b></p> <p>Reported, this 54-year-old white male sustained multiple gunshot wounds at the hands of another/others while law enforcement attempted to serve him with an arrest warrant at his residence on 01/05/2023. Despite resuscitative efforts, death was pronounced on scene by Nashville Fire/EMS Medic 32 at 1422 hours. This investigator responded to the location to document the scene with photography and to perform a brief body examination. Medical examiner jurisdiction was accepted to attempt to determine cause and manner of death. The decedent was transported to the Center for Forensic Medicine by Middle Tennessee Removal Service for examination. Final disposition arrangements are decided at the time of this report.</p> <p>Investigator Megan Whitesell 01/05/2023 1909 hours</p>					
Jurisdiction Accepted Yes		Autopsy Ordered Yes		Toxicology Ordered Yes	
Physician Responsible for Death Certificate Shannon M Crook, M.D.					
Coronation Approved No		Funeral Home Sellers Funeral Home at Mt. Juliet			
Cause of Death Gunshot wounds of the torso					
Contributory Cause of Death					
Manner of Death Homicide					

Document Seq: 2440018 Document Title: MR - Medical Report - Medical Examiner  
234890\_1244001819 CID James Scarbro NA5U-000053IMR - Medical Report Medical  
Examiner 23-9-0124.pdf



**OFFICE OF THE MEDICAL EXAMINER**  
**Center for Forensic Medicine**  
**850 R.S. Gass Blvd.**  
**Nashville, Tennessee 37216-2640**

**CASE: MEC23-0066**  
**County: DAVIDSON**

**AUTOPSY REPORT**

**NAME OF DECEDENT:** CAPPS, MARK      **RACE:** White    **SEX:** Male    **AGE:** 54

**DATE AND TIME OF DEATH:**                      January 5, 2023 at 2:22 p.m.

**DATE AND TIME OF AUTOPSY:**                      January 6, 2023 at 10:25 a.m.

**FORENSIC PATHOLOGIST:**                      Shannon M. Crook, M.D.

**COUNTY MEDICAL EXAMINER:**                      Feng Li, M.D., J.D., Ph.D.

**DISTRICT ATTORNEY GENERAL:**                      Honorable Glenn Funk

---

**PATHOLOGIC DIAGNOSES**

- I.      Gunshot wounds of the torso (3):
  - A.      Entrances: Left axilla, left side of the chest (lateral), and left side of the chest (medial).
  - B.      Apparent range of fire: No soot or gunpowder stippling surrounding any of the wounds.
  - C.      Cumulative injuries: Perforations of the left side of the chest and left axilla, perforations and fractures of the left anterolateral second through fourth ribs and the left anterior sixth and seventh ribs, perforations of the left upper lung lobe, left lower lung lobe, left lower lung lobe bronchus, pericardial sac, left atrium of the heart, aorta, graze of the ninth thoracic vertebral body, right lower lung lobe, left hemidiaphragm, right hemidiaphragm (x2), spleen, stomach, large intestine (with a large defect through the transverse large intestine), small intestine, mesentery, liver, right adrenal gland, perforation and fracture of the right posterolateral tenth rib and perforations of the intercostal muscles between the right posterolateral ninth and tenth ribs, perforation and fracture of the right lateral eleventh rib, and penetration of the soft tissues of the right side of the chest and back; bilateral hemothoraces, hemopericardium, and hemoperitoneum.
  - D.      Recoveries:
    - 1.      Bullet from right back.
    - 2.      Bullet from under right chest abrasion.
    - 3.      Bullet from lateral right chest.
  - E.      Direction: Left to right, slightly front to back, and slightly downward.

- II. Scattered abrasions and superficial partial thickness incised wounds on the upper left arm:
- A. Representative fragment of gray metal foreign debris recovered from a wound on the upper left arm ("Foreign debris from left arm").

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**CAUSE OF DEATH:** Gunshot wounds of the torso

**MANNER OF DEATH:** Homicide

**CIRCUMSTANCES OF DEATH:** Shot by another person(s)

---

*I hereby certify that I, Shannon M. Crook, M.D., have performed an autopsy on the body of Mark Capps on January 6, 2023 at 10:25 a.m. at the Center for Forensic Medicine. The purpose of this report is to provide a certified opinion to the County Medical Examiner and District Attorney General. The facts and findings to support these conclusions are filed with the Tennessee Department of Health. The autopsy was performed in the presence of Ashly Cordero Rivera, M.D.*

**EXTERNAL EXAMINATION:**

The body is identified by tags. Photographs, fingerprints, palm prints, and bilateral fingernail clippings and clippers are taken.

When first viewed, the body is clad in a previously cut blue shirt, previously cut blue plaid pants, and blue underwear. The hands are bagged. A zip tie handcuff is around the left wrist. A white metal ring is around the left fourth finger. A key chain containing multiple keys is received with the body. All clothing and personal items are retained for law enforcement retrieval.

The body is that of a well-developed, well-nourished white male whose appearance is compatible with the stated age of 54 years. The body, when nude, is 183.5 pounds and 70.5 inches long. The calculated body mass index is 26 kg/m<sup>2</sup>. There is good preservation in the absence of embalming. The body is cool due to refrigeration, rigor is fully developed, and there is well-developed, fixed posterior lividity.

The scalp hair is gray, wavy, and of a short length. A gray beard and mustache are on the face. An average amount of body hair is in a normal male distribution. The irides are blue, the corneae are clear, and there are no petechiae of the bulbar or palpebral surfaces of the conjunctivae. The ears, nose, and lips are normally developed. The teeth are natural and in fair condition. The frenula are intact. The neck is normally developed. The chest is symmetrical, and the abdomen is mildly protuberant. The external genitalia, anus, and perineum are unremarkable. The penis is circumcised, and the testes are descended into the scrotum. The extremities are well-developed and symmetrical. The fingernails are elongated and intact. The back is unremarkable.

**IDENTIFYING MARKS AND SCARS:**

None.

**EVIDENCE OF THERAPY:**

A nasopharyngeal airway adjunct protrudes from the right nostril. Electrocardiogram leads are on the torso. Duct tape overlies a wound on the medial left side of the chest ("Gunshot Wound 'C'"). A tourniquet is around the upper left arm. Gauze packing material is within "Gunshot Wound 'A'" on the left axilla.

**EVIDENCE OF INJURY:**

**I. Gunshot Wounds of the Torso:**

Three gunshot wounds are on the torso and will be described below by anatomic location and without regard to sequence or severity. All measurements and descriptions are given with the body in the standard anatomic position. The three wounds on the torso have overlapping wound paths, and the cumulative injuries will be described following the description of each entry wound. Given the overlapping wound paths, the individual bullets cannot be tracked to a particular entrance gunshot wound.

**Entrances:**

A. Gunshot Wound of the Left Axilla (Gunshot Wound "A"):

An entrance gunshot wound is on the left axilla, centered approximately 13 inches below the top of the head and 7-1/2 inches left of the anterior midline. The 1 x 1/2 inch ovoid perforation has an irregular thin red marginal abrasion extending from the 11 to 7 o'clock positions of the wound. A 5/8 inch red abrasion is just inferior to the wound (along the 5 to 7 o'clock positions) and a 1/4 inch red abrasion extends obliquely from the 11 o'clock position of the wound. No soot or gunpowder stippling is on the surrounding skin. The wound is previously packed with gauze packing material.

B. Gunshot Wound of the Left Side of the Chest (Lateral Wound) (Gunshot Wound "B"):

An entrance gunshot wound is on the left side of the chest (lateral wound), centered approximately 20-1/2 inches below the top of the head and 4 inches left of the anterior midline. The 5/16 x 5/16 inch perforation has an irregular circumferential red-brown marginal abrasion surrounding the wound. A small purple contusion surrounds the wound. No soot or gunpowder stippling is on the surrounding skin.

C. Gunshot Wound of the Left Side of the Chest (Medial Wound) (Gunshot Wound "C"):

An entrance gunshot wound is on the left side of the chest (medial wound), centered approximately 22-1/2 inches below the top of the head and 2-1/2 inches left of the anterior midline. The 1/4 x 3/16 inch perforation has a very thin circumferential red-brown marginal abrasion surrounding the wound. No soot or gunpowder stippling is on the surrounding skin. This wound was previously covered by duct tape.

**Cumulative Injuries:**

After perforating the skin, subcutaneous tissue, and musculature of the left side of the chest and left axilla, the bullets perforate the ribs and organs resulting in the following cumulative injuries: perforations and fractures of the left anterolateral second through fourth ribs and the left anterior sixth and seventh ribs, perforations of the left upper lung lobe, left lower lung lobe, left lower lung lobe bronchus, pericardial sac, left atrium of the heart, aorta, graze of the ninth thoracic vertebral body, right lower lung lobe, left hemidiaphragm, right hemidiaphragm (x2), spleen, stomach, large intestine (with a large defect through the transverse large intestine), small intestine, mesentery, liver, right adrenal gland, perforation and fracture of the right posterolateral tenth rib and perforations of the intercostal muscles between the right posterolateral ninth and tenth ribs, perforation and fracture of the right lateral eleventh rib, and penetration of the soft tissues of the right side of the chest and back.

Associated injuries include approximately 700 mL and 480 mL of liquid and clotted blood within the right and left pleural cavities, respectively. The pericardial sac is open and contains a small amount of residual blood. The peritoneal cavity contains a small amount of free blood and fecal material.

**Recoveries:**

1. A slightly deformed, apparent small caliber, yellow metal jacketed bullet is recovered from the soft tissues of the right side of the back. The bullet is photographed and sealed in an envelope labeled "Bullet from right back."
2. A 1/2 x 5/16 inch red-brown abrasion with surrounding purple contusion overlies a palpable bullet on the right side of the chest, centered approximately 24 inches below the top of the head and 8 inches right of the posterior midline. A deformed, apparent small caliber, yellow metal jacketed bullet is recovered from the soft tissues of the right side of the chest. The bullet is photographed and sealed in an envelope labeled "Bullet from under right chest abrasion."
3. A deformed, apparent small caliber, yellow metal jacketed bullet is recovered from the soft tissues of the lateral right side of the chest. The bullet is photographed and sealed in an envelope labeled "Bullet from lateral right chest."

The general direction of all three bullets is left to right, slightly front to back, and slightly downward.

**II. Other Injuries:**

Numerous scattered red-brown abrasions and superficial partial thickness incised wounds, ranging from 1/16 inch to 1/2 inch, are on the forehead, left side of the cheek, chin, left ear, left side of the neck, left flank, and left shoulder.

Numerous scattered red-brown abrasions and superficial partial thickness incised wounds, ranging from 1/16 inch to 3/16 inch, are on the upper left arm. A few of these wounds contain small fragments of radiopaque foreign material. A representative fragment of gray metal foreign debris is recovered from a wound on the upper left arm. This fragment is photographed and sealed in an envelope labeled "Foreign debris from left arm."

A 3/4 inch yellow-purple contusion is on the right forearm. A 1/16 inch red abrasion is at the base of the dorsal right second finger. A 1/8 inch orange abrasion is on the dorsolateral right second finger. A 1/4 inch orange abrasion is on the medial left wrist. A 1/4 inch red-brown abrasion is on the dorsal left hand. A 1/8 inch thin red abrasion is on the dorsal left fourth finger. A 3/16 inch purple contusion is on the medial right knee. A 1 inch purple to yellow contusion is on the medial lower left leg.

**EVIDENCE COLLECTED:** The following items are collected and retained for law enforcement retrieval:

- INTERNAL EXAMINATION:**

HEAD: The scalp, subscalpular area, and skull are unremarkable. The dura and dural sinuses are unremarkable. There are no epidural, subdural, or subarachnoid hemorrhages. The leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical with an unremarkable gyral pattern. The cranial nerves and blood vessels are unremarkable. The brain weighs 1340 grams. Sections through the cerebral hemispheres, brainstem, and cerebellum are unremarkable. There are no hemorrhages of the deep white matter or the basal ganglia. The cerebral ventricles contain no blood. The spinal cord, as viewed from the cranial cavity, is unremarkable.

**CARDIOVASCULAR SYSTEM:** See Evidence of Injury. The intimal surface of the aorta is free of significant atherosclerosis. The aorta and its major branches and the great veins are normally distributed. The pulmonary arteries contain no thromboemboli. The heart weighs 360 grams. The pericardium, epicardium, and endocardium are smooth and glistening except for the areas of previously described injuries. There is an increased amount of epicardial adipose tissue. The coronary arterial system demonstrates 50-60% stenosis of the left anterior descending coronary artery by calcific atherosclerotic plaque. There are no thrombi in the atria

or ventricles. The foramen ovale is closed. The atrial and ventricular septa are intact. The cardiac valves are unremarkable. The myocardium is dark red-brown and firm, and there are no additional focal abnormalities. The average wall thicknesses measure as follows: left ventricle – 1.2 cm; interventricular septum – 1.4 cm; and right ventricle – 0.4 cm.

**RESPIRATORY SYSTEM:** See Evidence of Injury. The upper airway is not obstructed. The laryngeal mucosa is smooth and unremarkable. The right and left lungs weigh 270 grams and 230 grams, respectively. The pleural surfaces are smooth and glistening except in the areas of previously described injury. The major bronchi are unremarkable. Sectioning of the lungs discloses a pink, mildly congested parenchyma.

**HEPATOBIILIARY SYSTEM:** See Evidence of Injury. The liver weighs 1650 grams and is covered by a smooth, glistening capsule except for the previously described injury. The parenchyma is red-brown and of a normal consistency. The gallbladder contains approximately 10 mL of yellow-green bile. No gallstones are present.

**GASTROINTESTINAL SYSTEM:** See Evidence of Injury. The esophageal mucosa is gray, smooth, and unremarkable. The stomach demonstrates the previously described injuries and contains a small amount of brown-green thick fluid. There are no tablets or capsules. The gastric mucosa has normal rugal folds, and there are no ulcers. The small and large intestines demonstrate the previously described injuries and show no additional significant findings. The appendix is present. The pancreas is unremarkable externally and upon sectioning.

**GENITOURINARY SYSTEM:** The capsules of both kidneys strip with ease to reveal smooth, pale, and slightly lobulated surfaces. The right and left kidneys weigh 100 grams and 110 grams, respectively. The cortices are of normal thickness, with well-demarcated corticomedullary junctions. The calyces, pelves, and ureters are unremarkable. The bladder contains approximately 620 mL of clear yellow urine. The mucosa is gray, smooth, and unremarkable. The prostate gland is unremarkable externally and upon sectioning. The testes are unremarkable externally and upon sectioning.

**ENDOCRINE SYSTEM:** See Evidence of Injury. The thyroid and left adrenal gland are unremarkable externally and upon sectioning. The right adrenal gland demonstrates the previously described injuries. No additional focal lesions are identified.

**LYMPHORETICULAR SYSTEM:** See Evidence of Injury. The spleen weighs 100 grams and is covered by a smooth, blue-gray capsule. The parenchyma is dark red with no focal lesions. The cervical, hilar, and peritoneal lymph nodes are unremarkable.

**MUSCULOSKELETAL SYSTEM:** See Evidence of Injury. The clavicles, sternum, and pelvis have no fractures.

**TOXICOLOGY:** Blood, urine, and vitreous are submitted for toxicologic analysis. See separate report.

**POSTMORTEM RADIOGRAPHY:** Postmortem radiographs are taken prior to autopsy and are reviewed.

**CONCLUSION:**

By history, the decedent is a 54-year-old male who was shot by another person(s) during an interaction with law enforcement who were attempting to serve an arrest warrant on January 5, 2023. Resuscitative efforts were performed, and he was pronounced deceased. An autopsy is performed on January 6, 2023.

Autopsy examination reveals multiple gunshot wounds, as described above. Three bullets and a small fragment of gray metal foreign debris are recovered during the autopsy.

Postmortem toxicology of femoral blood detected ethanol (169 mg/dL), alprazolam (30 ng/mL), dihydrocodeine/ hydrocodone- free (8.2 ng/mL), and hydrocodone – free (25 ng/mL). Ethanol (182 mg/dL) is detected in the vitreous fluid.

Based on the available investigative information, autopsy examination, and toxicologic analysis, it is my opinion that Mark Capps, a 54-year-old male, died as the result of gunshot wounds of the torso. The manner of death is homicide.

***\*\*Electronically signed by Shannon M. Crook, M.D. on Monday, April 3, 2023\*\****

Shannon M. Crook, M.D.  
Assistant Medical Examiner

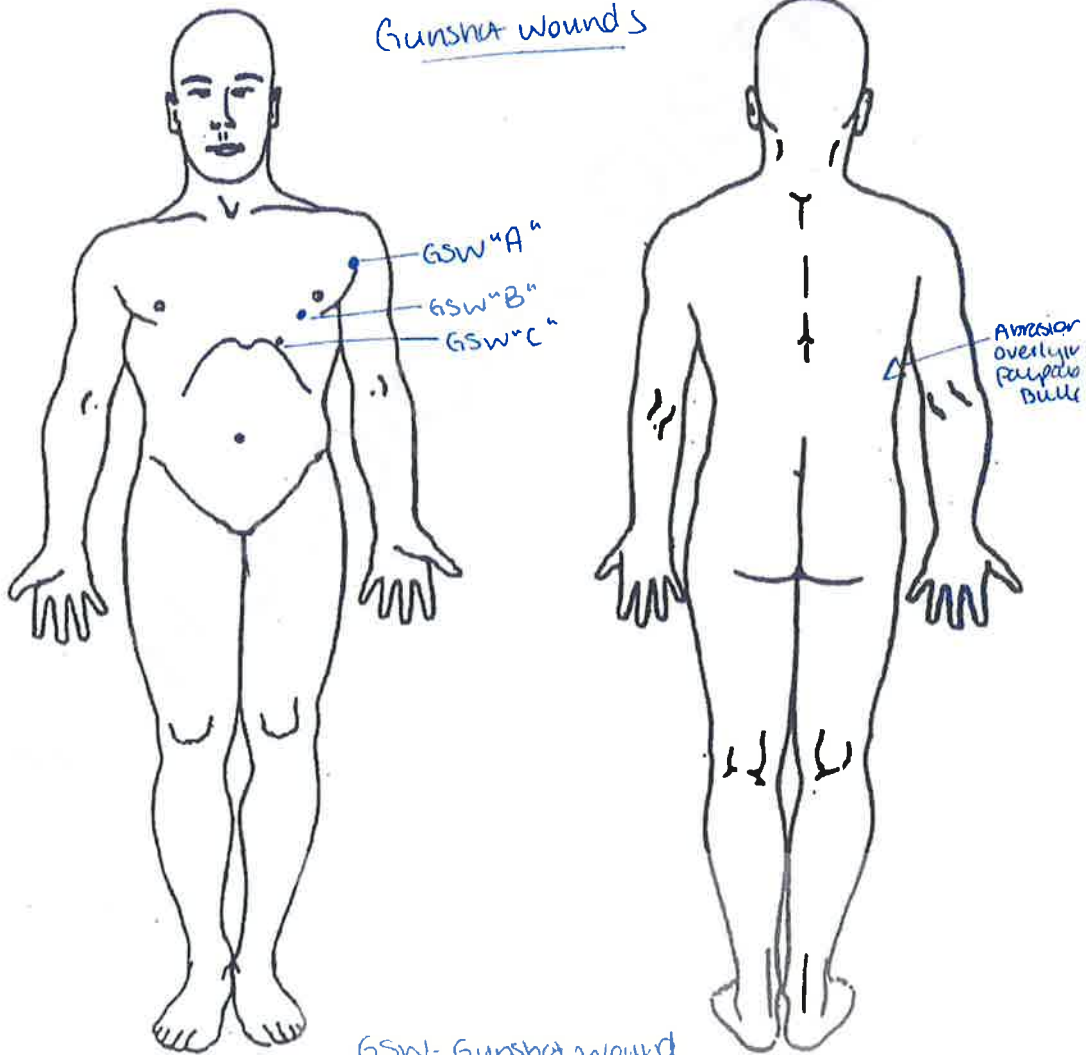
SMC/pc  
T: 1/16/2023



Name: Capps, Mark

MEC#: 23-0066

Gunshot Wounds



GSW = Gunshot wound  
• = Entrance  
Δ = Palpable bullet

SC

\* Not to Scale \*





# NMS Labs

CONFIDENTIAL

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e-mail: nms@nmslabs.com

Robert A. Middleberg, PhD, F-ABFT, DABCC-TC, Laboratory Director

## Toxicology Report

Report Issued 01/28/2023 17:09

To: 10341

Forensic Medical Management Services - Nashville  
850 R.S. Gass Blvd.

Nashville, TN 37216

Patient Name CAPPS, MARK  
Patient ID 23-0066  
Chain NMSCP228588  
DOB Not Given  
Sex Male  
Workorder 23016005

Page 1 of 4

### Positive Findings:

Analyte	Result	Units	Matrix Source
Ethanol	169	mg/dL	001 - Femoral Blood
Blood Alcohol Concentration (BAC)	0.169	g/100 mL	001 - Femoral Blood
Alprazolam	30	ng/mL	001 - Femoral Blood
Dihydrocodeine / Hydrocodol - Free	8.2	ng/mL	001 - Femoral Blood
Hydrocodone - Free	25	ng/mL	001 - Femoral Blood
Ethanol	182	mg/dL	002 - Vitreous Fluid

See Detailed Findings section for additional information

### Testing Requested:

Test	Test Name
8041B	Postmortem, Basic w/Vitreous Alcohol Confirmation, Blood (Forensic)

### Specimens Received:

ID	Tube/Container	Volume/ Mass	Collection Date/Time	Matrix Source	Labeled As
001	Gray Stopper Glass Tube	9.25 mL	01/06/2023 15:05	Femoral Blood	23-0066
002	Red Stopper Glass Tube	9.75 mL	01/06/2023 15:05	Vitreous Fluid	23-0066
003	White Cap Plastic Container	60 mL	01/06/2023 15:05	Urine	23-0066

All sample volumes/weights are approximations.

Specimens received on 01/12/2023.

Document Seq: 2440818, Document Title: MR - Medical Report - Medical Examiner  
23415950\_12440818\_12440818\MCID\JamesScarbro\NA-5U-000053\MR - Medical Report - Medical  
Examiner 23-19-0124.pdf

### Detailed Findings:

Analysis and Comments	Result	Units	Rpt. Limit	Specimen Source	Analysis By
Ethanol	169	mg/dL	10	001 - Femoral Blood	Headspace GC
Blood Alcohol Concentration (BAC)	0.169	g/100 mL	0.010	001 - Femoral Blood	Headspace GC
Alprazolam	30	ng/mL	5.0	001 - Femoral Blood	LC-MS/MS
Dihydrocodeine / Hydrocodol - Free	8.2	ng/mL	5.0	001 - Femoral Blood	LC-MS/MS
Hydrocodone - Free	25	ng/mL	5.0	001 - Femoral Blood	LC-MS/MS
Ethanol	Confirmed	mg/dL	10	001 - Femoral Blood	Headspace GC
Ethanol	182	mg/dL	10	002 - Vitreous Fluid	Headspace GC

Other than the above findings, examination of the specimen(s) submitted did not reveal any positive findings of toxicological significance by procedures outlined in the accompanying Analysis Summary.

**Reference Comments:**

1. Alprazolam (Xanax®) - Femoral Blood:

Alprazolam is a low-dose benzodiazepine used for the treatment of anxiety disorders and short-term relief of anxiety associated with depressive symptoms. Alpha-hydroxyalprazolam is an active metabolite of alprazolam. They share the actions and adverse reactions of other CNS-depressants. Common adverse effects of alprazolam include drowsiness and fatigue.

Reported therapeutic plasma concentrations of alprazolam are proportional to dose given: 3 mg/day produced steady-state levels of 30 ng/mL; 6 mg/day, 60 ng/mL; and 9 mg/day, 100 ng/mL.

In reported cases involving driving under the influence, alprazolam concentrations ranged from 8 - 640 ng/mL. Alcohol greatly enhances the activity of benzodiazepines.

Reported blood concentrations of alprazolam in alprazolam-related fatalities ranged from 100 - 400 ng/mL (mean, 200 ng/mL). In combination with other central nervous system depressants such as ethyl alcohol, alprazolam can become toxic at low concentrations.

2. Dihydrocodeine / Hydrocodol - Free (Hydrocodone Metabolite) - Femoral Blood:

Dihydrocodeine (6- $\alpha$ -hydrocode) is an opiate analgesic. It is available as a therapeutic agent (in products such as Synalgos-DC® and DHC Plus®) for oral use, and can be formed *in vivo* as a metabolite of hydrocodone.

This analyte is metabolized by N-demethylation to nordihydrocodeine and by O-demethylation to dihydromorphine; these analytes may be found in very low concentrations in blood after the use of the parent drug. Higher concentrations of these metabolites (and their conjugates), as well as dihydrocodeine are eliminated into the urine.

The reported peak plasma concentration of dihydrocodone following a single 30 mg oral dose approximates 70 ng/mL (at 1.6 hours) and after a single 60 mg oral dose is between 150-200 ng/mL (within 2 hours).

A lethal dose of dihydrocodeine in naive users is estimated at about 0.5 g; opiate abusers may tolerate as much as 5 g. In fatal overdose cases involving dihydrocodeine, postmortem blood concentrations have been reported to exceed 7000 ng/mL.

- Ethanol (Ethyl Alcohol) - Femoral Blood

Ethyl alcohol (ethanol, drinking alcohol) is a central nervous system depressant and can cause effects such as impaired judgment, reduced alertness and impaired muscular coordination. Ethanol can also be a product of decomposition or degradation of biological samples.



## Reference Comments:

## 4. Ethanol (Ethyl Alcohol) - Vitreous Fluid:

Ethyl alcohol (ethanol, drinking alcohol) is a central nervous system depressant and can cause effects such as impaired judgment, reduced alertness and impaired muscular coordination. Ethanol can also be a product of decomposition or degradation of biological samples.

## 5. Hydrocodone - Free (Vicodin®; Zohydro®) - Femoral Blood:

Hydrocodone is a DEA Schedule II semisynthetic narcotic analgesic. It is similar to codeine in analgesic activity and is also widely used in cough syrups for its antitussive activity. This analyte is reported to be highly addictive. For relief of pain, hydrocodone, as the bitartrate salt, is only available in oral form in combination with non-opiate drugs, e.g., acetaminophen. Active metabolites of hydrocodone include hydromorphone and hydrocodol (dihydrocodeine). Normal adult oral dosages range from 5 to 10 mg every 4 to 6 hr. Hydrocodone has also been demonstrated to be a metabolite of codeine.

After a single oral administration of 10 mg, mean peak serum levels of 20 ng/mL were reported at 1.5 hr; levels dropped to 7 ng/mL at 8 hr.

Hydrocodone is reported to be more toxic than codeine. In overdose, it produces the same manifestations as other opiates including: drowsiness, sedation, respiratory depression, coma and death. In reported overdosage, post-mortem blood levels ranged from 130-7000 ng/mL.

## Sample Comments:

001 Physician/Pathologist Name: Crook

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded one (1) year from the date of this report; and generated data will be discarded five (5) years from the date the analyses were performed.

Workorder 23016005 was electronically signed on 01/28/2023 16:58 by:

Michael E. Lamb, M.S.F.S., D-ABFT-FT  
Forensic Toxicologist

## Analysis Summary and Reporting Limits:

All of the following tests were performed for this case. For each test, the compounds listed were included in the scope. The Reporting Limit listed for each compound represents the lowest concentration of the compound that will be reported as being positive. If the compound is listed as None Detected, it is not present above the Reporting Limit. Please refer to the Positive Findings section of the report for those compounds that were identified as being present.

## Test 50012B - Benzodiazepines Confirmation, Blood - Femoral Blood

-Analysis by High Performance Liquid Chromatography/ Tandem Mass Spectrometry (LC-MS/MS) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
7-Amino Clonazepam	5.0 ng/mL	Flurazepam	2.0 ng/mL
Alpha-Hydroxyalprazolam	5.0 ng/mL	Hydroxyethylflurazepam	5.0 ng/mL
Alprazolam	5.0 ng/mL	Hydroxyflurazepam	5.0 ng/mL
Chlordiazepoxide	20 ng/mL	Lorazepam	5.0 ng/mL
Clobazam	20 ng/mL	Midazolam	5.0 ng/mL
Clonazepam	2.0 ng/mL	Nordiazepam	20 ng/mL
Desalkylflurazepam	5.0 ng/mL	Oxazepam	20 ng/mL
Diazepam	20 ng/mL	Temazepam	20 ng/mL
Estazolam	5.0 ng/mL	Triazolam	2.0 ng/mL

### Analysis Summary and Reporting Limits:

Test 50016B - Opiates - Free (Unconjugated) Confirmation, Blood - Femoral Blood

-Analysis by High Performance Liquid Chromatography/ Tandem Mass Spectrometry (LC-MS/MS) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
6-Monoacetylmorphine - Free	1.0 ng/mL	Hydromorphone - Free	1.0 ng/mL
Codeine - Free	5.0 ng/mL	Morphine - Free	5.0 ng/mL
Dihydrocodeine / Hydrocodol - Free	5.0 ng/mL	Oxycodone - Free	5.0 ng/mL
Hydrocodone - Free	5.0 ng/mL	Oxymorphone - Free	1.0 ng/mL

Test 52248B - Alcohols and Acetone Confirmation, Blood - Femoral Blood

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	10 mg/dL

Test 53249FL - Alcohols and Acetone Confirmation, Vitreous Fluid (Forensic) - Vitreous Fluid

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	10 mg/dL

Test 8041B - Postmortem, Basic w/Vitreous Alcohol Confirmation, Blood (Forensic) - Femoral Blood

-Analysis by Enzyme-Linked Immunosorbent Assay (ELISA) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Amphetamines	20 ng/mL	Fentanyl / Acetyl Fentanyl	1.0 ng/mL
Barbiturates	0.040 mcg/ml	Methadone / Metabolite	25 ng/mL
Benzodiazepines	100 ng/mL	Methamphetamine / MDMA	20 ng/mL
Buprenorphine / Metabolite	0.50 ng/mL	Opiates	20 ng/mL
Cannabinoids	10 ng/mL	Oxycodone / Oxymorphone	10 ng/mL
Cocaine / Metabolites	20 ng/mL	Phencyclidine	10 ng/mL

-Analysis by Headspace Gas Chromatography (GC) for:

Analyte	Rpt. Limit	Analyte	Rpt. Limit
Acetone	5.0 mg/dL	Isopropanol	5.0 mg/dL
Ethanol	10 mg/dL	Methanol	10 mg/dL