

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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MICHAEL A. KOWALCZUK,

Plaintiff,

v.

Case No. 2:19-cv-1230

SERGEANT ERIC GIESE and  
VILLAGE OF MOUNT PLEASANT,

Defendants.

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**DECLARATION OF ERIC GIESE IN SUPPORT  
OF MOTION FOR SUMMARY JUDGMENT**

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I, Eric Giese, declare pursuant to 28 U.S.C. § 1746, as follows:

1. I am employed by the Village of Mt. Pleasant as a Sergeant and have been a law enforcement officer for 13 years.
2. Through my training and experience as a law enforcement officer, I have learned that intoxicated drivers often try to make it home before stopping. Once home, intoxicated drivers try to flee and run into their homes before being apprehended.
3. In my training in the use of a Taser, I learned that the back is the optimal location for where Taser leads should strike a suspect. This location minimizes the risk of unintended injury to the suspect.
4. There were several reasons why I chose to use a Taser to bring Michael Kowalczuk under control and keep him from fleeing the scene. Among those reasons is the fact that just before I deployed the Taser I was physically assaulted by Michael Kowalczuk. Additionally, at that time

I felt physically threatened by an adult male relative of Kowalczuk who had started walking around Kowalczuk's car in my direction with clenched fists.

**VERIFICATION**

I declare under penalty of perjury that the foregoing is true and correct.

Dated May 28<sup>th</sup>, 2020.

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Eric Giese