

EXHIBIT

B

DECLARATION OF MARTHA HALE

I, Martha Hale, declare as follows:

1. I live at the Mahogany Run Condominiums, 49 Upper Mahogany Road, St. Thomas, United States Virgin Islands. I am married to Alexander J. Rankin. My husband and I are the proprietors of Galleon House, a bed and breakfast in Charlotte Amalie, St. Thomas, U.S.V.I.
2. On September 7, 2008, I witnessed a shooting incident outside my home involving three of my neighbors: ATF Special Agent William Clark, Marcus Sukow and Marguerite Duncan. At the time, I did not know any of them by name, but I did know Sukow and Duncan by sight. Sukow and Duncan lived together in the same apartment. In the months prior to the shooting, I had heard several loud arguments between them.
3. On the morning of September 7, 2008, I was at home drinking coffee and heard Sukow and Duncan arguing outside. They were arguing loudly and with increasing intensity. My husband came into the room and told me that the couple across the way was "at it again." I understood him to mean that Sukow and Duncan were fighting. I walked over to the balcony to see what was happening outside. From the balcony, I had a good view of the events leading up to the shooting.
4. I observed Sukow violently striking a vehicle with a long and heavy metal flashlight while Duncan was inside the vehicle. Sukow looked very angry and was spouting profanities. The vehicle was in the middle of a narrow road facing the exit of our condominium complex. Sukow was in front of the vehicle, blocking Duncan from driving away. Sukow repeatedly screamed for Duncan to get back in the house as he struck her vehicle with the

flashlight. Duncan complied, and parked the vehicle in the couple's driveway, straddling two parking spaces. I was frightened for Duncan because Sukow was enraged. I was concerned that Sukow was going to beat Duncan with the flashlight.

5. At about that time, another neighbor arrived at the scene of the incident. He appeared to be returning from a jog. A security guard for the condominium complex, Roylando Smith, was also on the scene. At that point, Sukow diverted his attention away from Duncan and towards the jogger, then moved aggressively towards the jogger. Sukow was waving the flashlight around in threatening way. I could see him talking to the jogger but could not hear what was being said. The jogger appeared to be trying to calm Sukow, and Sukow appeared to be aggressively dismissing him. The jogger appeared frightened, and quickly moved away.

6. While Sukow was talking to the jogger, Duncan exited her vehicle. She appeared to be frightened. I saw Special Agent Clark signal to Duncan to get into his vehicle, which was parked on the far side of the narrow roadway. Duncan entered Special Agent Clark's vehicle on the passenger side. Smith, who appeared to be trying to calm Sukow, also seemed to be frightened. Sukow brushed away Smith and refocused his attention on Duncan, who at this point was now seated on the passenger side of Special Agent Clark's vehicle.

7. Sukow then turned towards Special Agent Clark's vehicle, swinging the flashlight in chopping manner, charged at the vehicle. His face was red and he was spouting profanities. I could see that the drivers' side door was ajar. He was within a couple of feet from the open door. At that point, I feared that something bad was about to happen. I then heard several shots fired within 1-2 seconds. My husband and I immediately dropped to the floor and crawled into the bedroom. I called 911.

8. When I got up and looked out from the balcony, I saw Sukow walking towards his porch area and drop to the ground. Special Agent Clark then gave first aid to Sukow and yelled several times for someone to call for an ambulance. I yelled back that I had already called 911. Special Agent Clark was trying to stop the bleeding with towels he had gotten from Duncan.

9. I was interviewed by the Virgin Islands Police Department about my observations of the shooting incident, but the officers did not document my statement.

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

Date: 5/6/2008

Martha Hale

Martha Hale

EXHIBIT

C

DECLARATION OF ALEXANDER J. RANKIN

I, Alexander J. Rankin, declare as follows:

1. I live at the Mahogany Run Condominiums, 49 Upper Mahogany Road, St. Thomas, United States Virgin Islands. I am married to Martha Hale. My wife and I are the proprietors of Galleon House, a bed and breakfast in Charlotte Amalie, St. Thomas, U.S.V.I.

2. On September 7, 2008, I witnessed a shooting incident outside my home involving three of my neighbors. I did not know them at the time, but I now know that they were: ATF Special Agent William Clark, Marcus Sukow and Marguerite Duncan.

3. On the morning of September 7, 2008, I heard loud noises emanating from a nearby condominium building, which sounded like construction. I did not understand why construction workers would be working on a Sunday morning, so I looked out the window to see what they were doing. Instead, I saw that Sukow and Duncan were involved in an altercation. Sukow was telling Duncan to get inside the house, but she would not do so. She walked towards her vehicle and got in. The noise seemed to die down briefly.

4. Several minutes later, the noise resumed and got louder. I looked out the balcony and saw Sukow was banging on the hood of Duncan's vehicle with a long and heavy metal flashlight. Duncan's vehicle was in the middle of a narrow road facing the exit of our condominium complex. Sukow was in front of the vehicle, blocking Duncan from driving away. When my wife asked what the commotion was, I said that the neighbors were "at it again." By that, I meant that Sukow and Duncan had resumed fighting. We immediately looked out from the balcony again and Sukow was still banging on the hood of Duncan's vehicle. Sukow

was calling her a bitch and telling her to get back in the house. He was enraged. Duncan eventually parked the vehicle in the couple's driveway and got out of the vehicle.

5. At some point, I recall seeing Sukow standing in the middle of the street throwing rocks in the direction of his condominium building.

6. Another neighbor wearing a headband arrived at the scene of the incident. A security guard for the condominium complex, Roylando Smith, also arrived on the scene. At that point, Sukow diverted his attention away from Duncan and towards the neighbor, then charged at the neighbor. Sukow was waving the flashlight around in a threatening manner. He called the neighbor a bitch and told him to mind his own business. The neighbor appeared frightened and backed away.

7. While Sukow was talking to the neighbor, Duncan quickly moved towards Special Agent Clark's vehicle, which was parked on the far side of the narrow roadway, and she entered on the passenger side. When Sukow refocused his attention on Duncan, she was seated on the passenger side of Special Agent Clark's vehicle.

8. Sukow then turned towards Special Agent Clark's vehicle and charged at the vehicle, waving the flashlight. I could see that the drivers' side door was ajar. I heard Sukow say "Will, don't do this, Will don't do this." I understood this to mean that the Special Agent Clark should not drive away with Duncan. At that point, I turned towards my wife and told her that I feared that something bad was about to happen. I then heard several shots fired, dropped to the floor and my wife and I crawled to the bedroom. My wife called 911.

9. When I got up and looked out from the balcony, I saw Sukow leaning on a low wall beside the entrance to his condominium and then fell to the ground. Special Agent Clark then gave first aid to Sukow and yelled several times for someone to call for an ambulance. My

wife yelled back that she had already called 911. Special Agent Clark also told Sukow to keep breathing and told Duncan to get towels. He and Smith then tried to stop the bleeding with towels.

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

Date: _____

5/6/09



Alexander J. Rankin