

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

PEOPLE OF THE VIRGIN ISLANDS,)
)
Plaintiff,)
) Case No. 3:09-CR-9
v.)
)
WILLIAM G. CLARK,)
)
Defendant.)
_____)

DECLARATION OF WILLIAM G. CLARK

I, William G. Clark, declare as follows:

1. I am a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a law enforcement agency within the United States Department of Justice. I have been employed by ATF since July 2001. From January 2008 through November 2008, I was assigned to St. Thomas, United States Virgin Islands.

2. In April 2008, I moved into unit 57L in the Mahogany Run condominium complex on St. Thomas. The condominium building consists of three units, each immediately above or below the other. My unit was on the lower level. The middle level, which is at street level, was occupied by Marguerite Duncan and Marcus Sukow.

3. Both Mr. Sukow and Ms. Duncan were aware that I was a federal law enforcement officer. Shortly after I moved in, Ms. Duncan and Mr. Sukow approached me to introduce themselves, and we exchanged pleasantries. I provided Ms. Duncan with one of my ATF business cards, and Mr. Sukow and I briefly discussed our respective jobs.

4. I recall several loud and heated fights between Mr. Sukow and Ms. Duncan that spilled out from their unit into the public areas of the condominium complex prior to September 2008. On at least two of those instances, Ms. Duncan, who appeared fearful of Mr. Sukow, pleaded for me to come to her aid. Each time, I was able to diffuse the situation by talking to Mr. Sukow.

5. In early July, I was driving home when I saw two marked Virgin Islands Police Department ("VIPD") vehicles departing from the front of our condominium building. Mr. Sukow, who was bleeding from a facial wound, tried to extract Ms. Duncan from the driver's side of his vehicle by forcefully pulling her left arm. I asked them if everything was all right. Mr. Sukow responded by saying that Ms. Duncan was drunk and that Ms. Duncan's son had smashed him in the face with a rock. This was not the first time I had seen Ms. Duncan and Mr. Sukow appear to be under the influence of alcohol or drugs, and I was concerned that she would try to escape the situation by driving away while under the influence. I offered her assistance, but she declined and returned to her condominium unit.

6. On the morning of September 7, 2008, I was leaving my condominium unit to go to the gym when I heard loud, pounding noises emanating from above my unit. When I reached the top of the stairs leading from my unit to the street level, I saw Ms. Duncan standing near the carport attached to their condominium unit. She was crying and trembling, and repeatedly pleaded, "Will, please help me." Mr. Sukow was completely naked and furiously striking, with both fists, the right front side of Ms. Duncan's vehicle, a GMC Envoy, which was parked in the carport. He had damaged the side view mirror, which was dangling from the side of the vehicle. *See Attachment 1.* He was yelling loudly at Ms. Duncan, and screaming, "bitch, get back in the house!" Based on Mr. Sukow's erratic and violent conduct, I believed that he was under the

influence of alcohol and/or drugs. When Mr. Sukow made eye contact with me, he stopped striking Ms. Duncan's vehicle and went into their condominium.

7. I then walked towards my vehicle, a U.S. government-issued 1997 Ford Explorer, which was parked across the narrow street from their condominium unit. *See Attachment 2.* When I looked towards the front of their unit, I saw Mr. Sukow, who was still naked, peering at me from behind the closed screen door. Mr. Sukow yelled at me, "you want a piece of me, bitch?" Mr. Sukow then disappeared from view, and quickly reemerged from the unit wearing only a pair of shorts. At this point, we were in the street between their condominium unit and my vehicle. I asked Mr. Sukow if everything was all right. He responded by saying, "No. I have a gun in the house and I'm going to get it and blow this bitch's head off." I tried to calm him down, as I had on previous occasions, by talking to him. This time, however, Mr. Sukow ignored me and continued yelling at Ms. Duncan. He was shouting obscenities and screaming at her to get back in the house. I suggested to Ms. Duncan that she get in her car and drive away. Mr. Sukow said that Ms. Duncan was not going anywhere. Then he threatened me, saying "Will, you're a big boy, but I'm going to give you a country ass kicking." I also recall Mr. Sukow saying to Ms. Duncan, in response to something she said, "Yeah, I know he's a fucking FBI agent."

8. Mr. Sukow then moved towards their condominium unit, picked up a large landscaping rock, and threw it at Ms. Duncan's vehicle, striking the bumper. He picked up another rock and did the same thing, striking the bumper again. While hurling rocks, he continued shouting obscenities at Ms. Duncan and ordering her to get back in the house.

9. When Mr. Sukow stopped throwing rocks, Ms. Duncan ran into her vehicle, which was parked in the carport, and she began to back out. Until this time, I had remained in

the area because I feared for Ms. Duncan's safety.¹ I was also concerned that Mr. Sukow would retrieve the gun that he said was in their condominium unit. Once Ms. Duncan got into her vehicle to begin to drive away, I believed she would be able to leave safely and that I no longer needed to stay. Accordingly, I walked to my vehicle, put the keys in the ignition, and started the engine.

10. Mr. Sukow had moved towards his vehicle and emerged with a large, heavy metal "Maglite" flashlight, approximately 12 to 18 inches long. *See Attachment 3.* He then quickly moved towards Ms. Duncan's vehicle, which was now out of the carport and in the street facing eastward towards the exit. Mr. Sukow blocked her egress by standing in front of her vehicle, and began pounding on the front hood of her vehicle with the Maglite, causing large dents in the steel hood of her vehicle. *See Attachment 4.* While pounding on her vehicle with the Maglite, he was yelling profanities at her, including "bitch, get back in the house." Unable to drive away, Ms. Duncan hurriedly pulled back into the carport and parked, straddling two parking spaces. When I realized that she was no longer able to leave safely, I opened the driver's side door of my vehicle.

11. At some point, a condominium security guard arrived in a Jeep. When the road was clear, the security guard drove past the condominium building and parked. There was also

¹ I have since learned that Mr. Sukow was arrested in West Plains, Missouri on August 13, 2005, after the police responded to a call of an intoxicated individual causing problems. When the officers attempted to arrest Mr. Sukow for running a stop sign, he led them on a chase and resisted arrest, causing the police to spray him with pepper spray. While in police custody, Mr. Sukow spit and beat his head on the dashboard of the officers' automobile, kicked and head-butted one of the officers, and made threats towards the officers and others at the scene. These threats included telling one officer that he knew where the officer lived and that he was going to kill him, and telling a second officer that he was going to put a bullet in the officer's head while he was sleeping.

I have also learned that there were three separate protective orders issued against Mr. Sukow related to adult abuse, that he has a prior arrest for driving while intoxicated, and that the National Crime Information Center's computerized index of criminal justice information includes the caution "violent" in its description of him.

another neighbor, Henry Carr, near the security guard. Mr. Carr appeared to be either going for, or returning from, a jog. Mr. Sukow diverted his attention away from Ms. Duncan (who was still in her vehicle) and towards Mr. Carr and the security guard, then moved aggressively towards them. Mr. Sukow was waving the Maglite around in a threatening manner. I heard him shout at Mr. Carr and the security guard to "get the fuck out of here." They appeared frightened, and retreated towards the dead-end of the road.

12. While Mr. Sukow's attention was diverted by Mr. Carr and the security guard, Ms. Duncan exited her vehicle and ran toward my vehicle, which was parked on the far side of the narrow roadway. Ms. Duncan opened the passenger side door and got in. I was sitting on the driver's side, with the door completely open. My left foot was on the ground and the right side of my body was propping the door open.

13. When Mr. Sukow refocused his attention on Ms. Duncan, he moved towards my vehicle, with the Maglite raised. He was shouting obscenities and waving the Maglite, repeatedly yelling "bitch get out of the car." When he got close to my vehicle, he lunged at me. I viewed the Maglite as a deadly weapon, and I thought that Mr. Sukow was going to strike me in the head with it. There was no time to retreat into my vehicle. Fearing an imminent threat of serious bodily harm, I fired my ATF-issued 5-shot revolver at Mr. Sukow to neutralize the threat, consistent with my ATF training. After I discharged my revolver, Mr. Sukow was still standing and facing me, and I thought he would try to attack me again. After a few seconds, however, Mr. Sukow turned, walked toward his residence, and collapsed several feet from his front door.

14. I immediately shouted for someone to call 911, and a neighbor shouted back that she had done so and that they were on their way. I called out for the security guard and Ms. Duncan to call 911. I immediately initiated first aid to Mr. Sukow. I asked Ms. Duncan to get

towels, which I used to apply pressure to Mr. Sukow's wounds to try to stop the bleeding. I also asked Ms. Duncan to get ice for Mr. Sukow to chew on and a pillow for his head. I monitored his pulse and his breathing until the paramedics took over. I also tried to keep him conscious by talking to him and reassuring him that help was on the way.

15. After the ambulance and police arrived on the scene, Ms. Duncan approached me and said that she was sorry about what had happened.

16. I know that ATF policy authorizes agents to be armed at all times and expects us to protect ourselves and the public at all times. I also know that we are authorized by the ATF to intervene in exigent situations, even those that may not involve violations of federal law. When I intervened to protect Ms. Duncan from the threat of serious bodily injury on September 7, 2008, I understood that I was acting as a federal law enforcement officer pursuant to authority vested in me by the ATF.

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

Date: 07/06/09



William G. Clark