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## **Update: Provo officers cleared in report on shooting deaths**

JESSE COLEMAN - The Daily Herald

Oct 8, 2002

The Daily Herald

PROVO -- The two Provo police officers involved in the shooting death of Scott Biswell and Kortni Grimm were justified in using deadly force, and they never fired directly on Grimm, who was unarmed, the Utah County Attorney's office reported Tuesday.

Officers Brian Wolken and Todd Grossgebauer collectively shot eight bullets into Biswell, one of which passed through his lower left thigh and struck Grimm in the abdomen, puncturing her lung, reported Kay Bryson, Utah County Attorney. The officers fired only after announcing their presence and Biswell raised his gun to fire on them.

"When Biswell pointed his gun at the officers entering through the motel room door they reasonably, and I think correctly, believed Biswell would kill them," Bryson said.

The incident occurred at 11:45 p.m. Aug. 11, when Provo police officers, acting on a tip that Biswell and Grimm were staying at the Amenity Inn motel at 40 W. 300 South, Provo, broke into their motel room and attempted to subdue the couple.

According to the report, police and SWAT team members used a "flash-bang" device to disorient the couple, but had difficulty coming through the door because it was barricaded with a refrigerator and a television. By the time they had entered the room, Biswell and Grimm had recovered from their surprise.

In the ensuing firefight, neither officers Wolken or Grossgebauer intended to shoot Grimm, Bryson said.

"Both officers fired at Scott Biswell and all bullets fired struck Biswell. Officer Grossgebauer told investigators that because of the manner in which Scott Biswell sat up in bed and pointed his gun at the other officers, he blocked Grossgebauer's view of Grimm and Grossgebauer didn't know for certain that she was even present until after

the gun fire ceased," Bryson said.

Though many witnesses of the incident do not remember officers identifying themselves before entering Biswell and Grimm's motel room, Bryson said a video recording of the event by Sgt. Brian Nichols corroborates the officer's report that they identified themselves. Nichols arrived on the scene just as SWAT team members were entering the motel room.

Biswell's long violent criminal past justified the officers' use of deadly force, Bryson said. Both Biswell and Grimm had warrants out for their arrest, and Biswell was known both to law enforcement and the FBI as an extremely violent person, Bryson said. Biswell's most outstanding warrant was for \$250,000 for an Aug. 4 incident in West Valley City where he threatened a women and her child with a gun for not moving her car out of his way.

Bryson added that Biswell had told an informant days before the shooting that he would not be taken alive, and Biswell had a gun with him loaded with what Biswell described as "cop killer" bullets.

Bryson said Grimm's past was not as violent as Biswell's, but her actions leading up to the shooting made her at least partly responsible for her death. These actions included barricading the hotel door the night of the shooting and refusing to leave Biswell three days before.

Bryson also said that Grimm had become increasingly violent due to her association with Biswell. She allegedly participated in a violent home robbery days before her death, and was present when Biswell threatened the woman and child with his gun Aug. 4.

The Utah County Attorney's office will pursue no criminal charges against Wolken and Grossgebauer, Bryson said.

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