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FOR IMMEDIATE RELEASE

INVESTIGATION OF OFFICER-INVOLVED SHOOTING IN KING OF PRUSSIA CONCLUDES; OFFICER CLEARED IN USE OF FORCE

NORRISTOWN, Pa. (Jan. 5, 2023)—Montgomery County District Attorney Kevin R. Steele announced today that the investigation of a police shooting of an armed suspect in the Seasons 52 parking lot has concluded and has determined that the discharge of a weapon by an Upper Merion Township police officer was a lawful use of force.

The independent investigation of the shooting was conducted by the Montgomery County Detective Bureau, as is normal procedure for officer-involved shootings in Montgomery County. The Upper Merion Township Police Department and the officer involved cooperated with the investigation. As part of the investigation, County Detectives interviewed numerous witnesses, obtained dashcam video, collected on-scene evidence and evaluated ballistic evidence.

The investigation found that the incident began at approximately 2:30 p.m., Dec. 18, 2022, when a hit-and-run crash in the King of Prussia Mall area involving a red Nissan Juke was reported to police. An Upper Merion bicycle officer located the striking vehicle parked in a mall parking garage, with the driver attempting to hide in the vehicle. The driver, later identified as Andrew Wiley, then started the vehicle and fled toward the mall's Gulph Road exit but became stuck in traffic. As a marked patrol car with its lights activated pulled behind the Nissan Juke, the Juke was driven over the curb in an attempt to escape through the Seasons 52 restaurant parking lot but became disabled after coming down a four-foot retaining wall.

Dashcam video showed the officer exiting his vehicle and approaching the Juke, then the officer quickly moving to take cover behind an SUV as gunshots are fired by Wiley. The officer returned fire, and Wiley fell to the ground. Multiple witnesses also recounted to detectives that Wiley fired upon the Upper Merion police officer, who then shot back to stop the threat.

Wiley sustained a gunshot wound to his thigh and ankle. As Upper Merion police officers began rendering aid to Wiley, he stated: "kill me" and "shoot me in the head"

as he attempted to resist arrest. A ghost gun, an unbranded 9 mm Glock-type firearm with no serial number, was found on the ground next to Wiley.

“The evidence shows that the suspect, Andrew Wiley, immediately began shooting at the approaching officer in a very busy location. The officer fired his weapon at the suspect, striking him and stopping the threat to innocent bystanders as well as to himself,” said Steele. “Thankfully, no lives were lost during this incident, and the defendant was taken into custody. After review of all of the evidence, I have concluded that this was a lawful use of force.”

In Pennsylvania, the use of deadly force by a law enforcement officer is governed by Section 508 of the Pennsylvania Crimes Code. A law enforcement officer is “justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person...” 18 Pa.C.S.A. §508(a). In addition, the use of deadly force by law enforcement officers is justified to defeat...the escape of a person who possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay. 18 Pa.C.S.A. §508(a)(1)(i)(ii).

Wiley was arrested and charged with Attempted Murder of a Law Enforcement Officer, Assault of a Law Enforcement Officer, Aggravated Assault, Firearm Not to be Carried Without a License, Recklessly Endangering Another Person and other related charges.

Approved for release:

Kevin R. Steele