



OFFICE OF THE
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SACRAMENTO COUNTY

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CASE OF INTEREST

DATE: February 26, 2014

CASE: Damon Gardner

PROSECUTOR: Deputy District Attorney Robert Clancey, Special Investigations Unit

District Attorney Jan Scully announced today that the Honorable Maryanne Gilliard sentenced Damon Gardner to 30 days in jail and placed him on three years informal probation after he pled guilty to a misdemeanor charge of carrying a concealed firearm. Gardner was a prosecutor on leave with the Mendocino County District Attorney's Office at the time of the event.

On October 17, 2013, at approximately 12:24 a.m., Gardner was engaged in a verbal confrontation with a pedestrian near the intersection of 15th and L Street. The argument grew into a physical altercation, during which Gardner punched the pedestrian in the face with a closed fist. He and his friend retaliated, forcing Gardner to the ground in the fetal position. A witness observed the pedestrian get on top of Gardner and punch him in the mid-section, while his friend repeatedly kicked Gardner's head like it was a "soccer ball." Gardner retrieved his .38 caliber handgun from his back pocket while lying on the ground and fired one shot at the pedestrian in self-defense. The pedestrian suffered a non-life-threatening gunshot wound and received medical treatment. Gardner suffered nasal fractures as well as eye, head, and rib contusions.

Gardner consumed alcoholic beverages at local restaurants and bars beginning at 5:30 p.m. and was under the influence at the time of the altercation. These acts violated the terms and conditions of Gardner's permit to carry a concealed weapon, which was issued from Mendocino County in November 2012.