



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Rod Norgaard
Chief Deputy

Michael M. Blazina
Assistant District Attorney

DATE: July 13, 2022

TO: Sheriff Scott Jones
Sacramento County Sheriff's Office
4500 Auburn Boulevard
Sacramento, CA 95841

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer-Involved Shooting Case No. SSO-21-15251
Shooting Officers: SSO Detective James Crouson #585
SSO Detective Sergeant Lizardo Guzman #28

Person Shot: Kershawn Geyger (DOB 7/2/1995)

The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Kershawn Geyger. For the reasons set forth, we conclude that the shooting was lawful.

The District Attorney's Office received and reviewed written reports and other documentary items. These items include Sacramento Sheriff's Office Report 21-15251, video and audio recordings, dispatch calls, witness interviews, photographs, diagrams, evidence logs, Sacramento County District Attorney's Office Laboratory of Forensic Services reports, and the Sacramento County Coroner's Final Report of Investigation.

FACTUAL SUMMARY

At approximately 6:24 p.m. on January 15, 2021, the Sacramento County Sheriff's Office received a ShotSpotter notification regarding gunfire that had occurred at an apartment complex at 4719 50th Avenue in the County of Sacramento.

The ShotSpotter gunshot detection system is designed to detect, locate, and alert law enforcement to incidents of gunfire. Acoustic sensors detect the sound of gunfire. Multilateration technology determines the location where the shots were fired. ShotSpotter analysts then review the data and publish confirmed gunshots to the relevant law enforcement agency.

The ShotSpotter notification informed the Sheriff's Office regarding three sets of gunshots fired in close succession at that location. The first set contained 5 gunshots. The second set contained 18 gunshots. The third set contained 22 gunshots. All the shots were determined to have been fired in the parking lot of the apartment complex.

Additionally, multiple calls were placed by citizens to 9-1-1 to notify law enforcement of the gunfire.

Sheriff's Office personnel, including Detective Brian Frizzie, responded to the scene. They found multiple spent shell casings in the south parking lot. No witnesses to the shooting were located or identified.

However, the apartment complex was equipped with a video surveillance system. In reviewing the video, Detective Frizzie observed approximately 15-20 individuals engaged in a physical fight. He further observed approximately 9 different subjects from this group firing weapons at each other or into the air.

The video showed three of the subjects who had fired weapons get into a silver Kia Soul with a California License Plate of 8TIN147. A records check on that license plate showed it to be a rental car.

Additional investigation by Detective Rachel Fitch determined that the License Plate Reader (LPR) system showed the Kia Soul parked at 4598 Mary Lynn Lane in Carmichael, California on January 14th.

Officers obtained the name of the person who rented the Kia Soul from the rental agency. Further investigation showed the renter was associated with Kershawn Geyger. Geyger had a listed address at an apartment complex on 4598 Mary Lynn Lane.

Detective Fitch advised other investigating officers of this information, including Detective Sergeant Lizardo Guzman and Detective James Crouson. Detective Sergeant Guzman and Detective Crouson responded to 4598 Mary Lynn Lane in an attempt to locate the Kia Soul.

Detective Sergeant Guzman and Detective Crouson were each wearing a Sheriff's Office tactical bulletproof vest. The vests displayed each officer's Sheriff's Office badge and had the word "Sheriff" written in yellow letters on the front. "Sheriff Gang Unit" was written in large yellow letters on the back. As Detective Sergeant Guzman and Detective Crouson were plain-clothes detectives, they were not equipped with body-worn cameras.

Detective Sergeant Guzman was armed with a Glock 17 9mm handgun. He was driving an unmarked Gray Ford F150 pick-up truck. The unmarked truck was not equipped with an in-car camera.

Detective Crouson was also armed with a Glock 17 9mm handgun. He was driving an unmarked Toyota Siena minivan. The unmarked minivan was not equipped with an in-car camera.

Detective Sergeant Guzman arrived at Mary Lynn Lane at approximately 8:05 p.m. He located the Kia Soul parked on the south side of Rampart Drive, east of Mary Lynn Lane. He directed Detective Crouson to park and surveil closer to the Kia, as Detective Crouson possessed night vision goggles.

Approximately two minutes later, Detective Crouson saw two male subjects approaching the Kia Soul from the apartment complex. He saw that one of the subjects was holding a bag. The subject unlocked the Kia, placed the bag inside, and re-locked the car. The two subjects then walked away from the Kia towards a blue Camaro parked nearby. The subject who entered the driver's side of the Camaro was later identified as Kershawn Geyger. The subject who entered the passenger side was later identified as JW Geiger.¹

Detective Sergeant Guzman believed the bag would contain evidence of the shooting, possibly including guns. As the Kia was not rented in Geyger's name, Guzman believed that placing the guns in the Kia would further distance the guns from being connected to Geyger.

Detective Sergeant Guzman told Detective Crouson they would stop the two subjects getting into the Camaro for their connection to the earlier shooting. He further advised Detective Crouson he wanted to stop the Camaro before it drove away to minimize the danger of a high-speed chase and to avoid the risk that the subjects could discard evidence during the pursuit.

Detective Sergeant Guzman and Detective Crouson planned to approach the Camaro from the front with their emergency lights activated. Once the Camaro was stopped, the detectives would approach the Camaro with their guns drawn. Detective Sergeant Guzman would approach the passenger side of the Camaro. Detective Crouson would approach the driver's side.

Detective Sergeant Guzman activated his flashing blue strobe light and solid red emergency light. He drove directly towards the Camaro, stopping approximately ten feet in front. He then turned off the red and blue lights so they would not affect his vision.

Detective Crouson pulled his minivan alongside the driver's side of the Camaro, facing the opposite direction of the Camaro.²

Detective Sergeant Guzman exited his pick-up truck, pointed his gun at the occupants of the Camaro and yelled, "Sheriff's Office! Show me your hands!" Detective Crouson also identified himself as a Sheriff's officer and said, "Let me see your hands!" Kershawn Geyger and JW Geiger both raised their hands.

Detective Sergeant Guzman moved to approach the passenger. JW Geiger was wearing his seatbelt and his hands were raised.

¹ Kershawn Geyger and JW Geiger are brothers, but their last names are spelled differently.

² The scene was later measured by crime scene investigators. The minivan and the Camaro were parked side by side. The driver's side doors of each vehicle were approximately 9.5 feet away from each other.

Detective Crouson directed his flashlight at the Camaro and approached the driver's side. With the aid of the flashlight, he saw that the driver had a gun in his right hand. Detective Crouson yelled, "Drop the gun!"

Detective Crouson feared for his life at the sight of the gun, particularly as he knew that Geyger was suspected of being involved in the shooting earlier in the evening.

Detective Crouson saw Geyger open the driver's side door of the Camaro. Detective Crouson and Geyger both fired their weapons. It is unclear whether Detective Crouson or Geyger fired first as the shots appear to have been nearly simultaneous.

Detective Crouson knew instantly that he had been struck by Geyger's shot. Detective Crouson fired several rounds and retreated towards the back of the Camaro until his legs failed. Detective Crouson fell onto his back. He saw that Geyger had dropped his gun, had fallen to a seated position on the ground, and was twisting and reaching for his gun.

Detective Crouson believed the wound he had suffered was potentially fatal. He feared for his own life and for the life of Detective Sergeant Guzman as he saw Geyger reaching towards his gun. Detective Crouson then fired additional rounds at Geyger until Geyger fell onto his back.

Detective Sergeant Guzman had heard Detective Crouson yell, "Gun! Gun! Put the gun down!" He looked through the passenger compartment and saw Geyger, the driver, outside the driver's door, facing towards the rear of the Camaro, with his hands extended in front of him in a shooting position.

Based on what he saw and heard, Detective Sergeant Guzman believed Geyger was shooting at Detective Crouson. Detective Sergeant Guzman then began firing at the driver through the passenger window of the Camaro. After firing five rounds, Detective Sergeant Guzman saw Geyger fall to the ground.

Detective Sergeant Guzman opened the passenger door to get a clearer view and to make sure he had not injured the passenger. JW Geiger had his hands up and yelled, "Don't shoot! I have a gun!"

Detective Sergeant Guzman asked Geiger where the gun was located. Geiger replied that the gun was in his waistband.

At approximately 8:18 p.m., Detective Sergeant Guzman announced, "Shots fired" over the radio. Before he could take further action, he heard three additional gunshots coming from the rear of the Camaro. He heard Detective Crouson state, "I've been shot."

Detective Sergeant Guzman stepped to the rear of the Camaro. He saw Detective Crouson laying on his back, still pointing his gun at Kershawn Geyger. Detective Crouson told Detective Sergeant Guzman he had been hit in the chest and in his legs.

Detective Sergeant Guzman requested a Code 3 medical response over the radio for a detective who had been shot and for a suspect who had been shot.³

Detective Sergeant Guzman could see that Kershawn Geyger was still breathing. He saw that Geyger's head was raised and Geyger was looking towards a gun that was approximately one foot away from Geyger's left hand. Detective Crouson was still laying on his back. However, as he saw that Geyger's arms and legs were still moving and Geyger's gun was within reach of Geyger's hand, Detective Crouson kept his gun pointed at Geyger until additional officers arrived.

Detective Sergeant Guzman attempted to cover both Kershawn Geyger and JW Geiger while checking Detective Crouson for injuries. He felt blood below Crouson's tactical vest near his abdomen.

Detective Sergeant Guzman applied pressure to Detective Crouson's wound while continuing to cover the driver and the passenger. He saw that Geyger continued looking towards his gun and attempting to reach for it. However, Detective Sergeant Guzman could see that Geyger's strength was fading due to his injuries.

At approximately 8:22 p.m., Sergeant Paul Jbeily arrived on scene. He exited his patrol vehicle and dragged Detective Crouson behind the Camaro to a position of safety. Detective Sergeant Guzman took possession of Detective Crouson's gun.

Additional Sheriff's Office deputies arrived on scene. Two deputies approached Kershawn Geyger as he lay on his back next to the open driver's door of the Camaro. They noticed a black handgun with an extended magazine approximately three feet away from Geyger's left side. The deputies turned Geyger over onto his stomach and placed him in handcuffs.

Detective Sergeant Guzman next went to the passenger door of the Camaro. He warned JW Geiger not to move. He removed the gun from Geiger's waistband and dropped it onto the floorboard. He then unbuckled Geiger's seatbelt and directed Geiger to get out of the car and lay on the ground.

Medical personnel were notified that the scene was secure and safe to enter.

Sergeant Jbeily began to provide medical care to Detective Crouson. He decided to transport Detective Crouson to Mercy San Juan Hospital himself rather than wait for an ambulance. Detective Crouson was immediately seen in the Emergency Room and promptly taken into surgery for a gunshot wound to his abdomen.

Emergency Medical Technicians from the Sacramento Metro Fire Department arrived to provide medical care to Kershawn Geyger. At approximately 8:31 p.m., Geyger was pronounced deceased at the scene.

³ Code 3 indicates to consider the call an emergency response and proceed immediately, utilizing emergency lights and siren as reasonably necessary.

Crime scene investigators collected a black Taurus .40 caliber handgun approximately three feet from Geyger's left side. The Taurus was loaded with three rounds in the magazine. When Crime scene investigators pulled the handgun slide to the rear, a spent .40 caliber casing was ejected from the firearm which indicated that the firearm jammed during the cycling of the casing.

Crime scene investigators also collected a Ruger 9mm handgun from the passenger side floorboard of the Camaro. The Ruger was loaded with 17 rounds in the magazine and one additional round in the chamber.

Crime scene investigators administered a gunshot residue (GSR) test to the hands of Kershawn Geyger at the scene. The test was analyzed by a criminalist from the Sacramento County District Attorney's Office Laboratory of Forensic Services. The results of the test concluded that particles characteristic of gunshot residue were present on Kershawn Geyger's right and left hands.

A round count and examination of casings recovered at the scene indicated that Detective Crouson fired 16 rounds and Detective Sergeant Guzman fired five rounds during the incident.

During this incident, a bullet was lodged inside Detective Crouson's body. A criminalist from the Sacramento County District Attorney's Office Laboratory of Forensic Services compared x-ray images of that bullet to the 9mm ammunition used by the officers and to the .40 caliber ammunition found in Geyger's gun. The criminalist concluded that the bullet lodged inside Detective Crouson was not consistent with the 9mm ammunition used by either officer. The criminalist further concluded that the bullet lodged inside Detective Crouson was consistent with the .40 caliber ammunition loaded in Geyger's gun.

JW Geiger was interviewed that evening by Sheriff's Office detectives. Geiger initially denied that he or his brother were at the original shooting on 50th Avenue. He further denied that either he or his brother had a gun.

Geiger told detectives that when he and his brother were in the Camaro, police cars came up to them with their lights flashing. Geiger said he saw the officer with the flashlight yelling, "Hands!"

Geiger stated that he knew it was the police. He indicated he put his hands up as directed, then heard shooting.

Detectives showed Geiger a still surveillance photo from the incident on 50th Avenue, showing both Geiger and Kershawn Geyger. Geiger then told detectives that he and his brother were present at that incident but were not involved in it.

On November 8, 2021, JW Geiger pled no contest to a felony violation of Penal Code section 25850(a) [carrying a concealed and loaded firearm in public while not the registered owner of the firearm] in Sacramento County Superior Court case number 21FE005835. The criminal case

was filed due to the Ruger pistol removed by Detective Sergeant Guzman from Geieger's waistband the night of January 15, 2021.

An autopsy of Kershawn Geyger was performed by Dr. Irfan Chaudhry, a pathologist with the Sacramento County Coroner's Office. Dr. Chaudhry concluded that Kershawn Geyger's cause of death was multiple gunshot wounds. Specifically, Kershawn Geyger received 15 possible gunshot wounds, to both arms, both legs, to his left and right buttock, to his right thigh and to the right and left sides of his back.

The Sacramento County District Attorney's Office Laboratory of Forensic Services examined samples of femoral blood from Geyger. The laboratory determined that Geyger's blood sample contained a blood alcohol concentration of .13%.

LEGAL ANALYSIS

An officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11; *Graham v. Connor* (1989) 490 U.S. 386, 396; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; California Penal Code section 835a(b); CALCRIM 2670.) The person being detained or arrested may be subjected to such restraint as is reasonably necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d 981, 985; CALCRIM 2670, 2671, 2672.) Officers do not need to retreat or desist their efforts if the person they are arresting or detaining resists or threatens resistance; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (California Penal Code section 835a(d).)

Here, Sacramento Sheriff's Office detectives were investigating a shooting incident that had occurred less than two hours earlier on January 15th. Video surveillance at the shooting scene on 50th Avenue showed 15-20 subjects involved in a physical fight. The surveillance further showed approximately nine of these subjects begin to fire weapons at each other or into the air.

The surveillance video then showed three of the subjects who had fired weapons get into a silver Kia Soul, which detectives learned was a rental car. Detectives were able to obtain the name of the renter. Further investigation showed the renter had an association with Kershawn Geyger, that Kershawn Geyger had a listed address at an apartment complex on Mary Lynn Lane, and that the License Plate Reader system had indicated that the Kia Soul was parked at 4598 Mary Lynn Lane on January 14th.

This information was shared with Detective Sergeant Lizardo Guzman and Detective James Crouson. They drove to Mary Lynn Lane and located the Kia Soul on Rampart Drive, just east of Mary Lynn Way. Detective Crouson surveilled the Kia Soul until he saw two subjects leave the apartment complex, approach the Kia Soul, unlock it, and place a bag inside. Detective Crouson then saw the two subjects walk towards and enter a blue Chevrolet Camaro parked nearby.

The detectives had reasonable cause to detain Kershawn Geyger and JW Geiger for their connection to the earlier shooting on 50th Avenue. They turned on the emergency lights on their vehicles, drove up to the Camaro, identified themselves as Sheriff's officers and commanded Geyger and Geiger to raise their hands.

Kershawn Geyger and JW Geiger had an obligation to allow themselves to be detained. JW Geiger recognized the two detectives as being police officers and raised his hands over his head. However, Kershawn Geyger did not permit himself to be detained. Detective Crouson saw that Geyger possessed a handgun in his right hand. Detective Crouson yelled for Geyger to drop the gun. Instead, Geyger opened the driver's side door of the Camaro and pointed his gun at Detective Crouson.

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 505, 507, 3470; California Penal Code section 835a(c)(1)(A).) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. (California Penal Code section 835a(a)(4); *Graham v. Connor* (1989) 490 U.S. 386.)

Here, Detective Crouson and Detective Sergeant Guzman were both justified in their decisions to use deadly force against Kershawn Geyger. Detective Crouson was standing just a few feet from Geyger's driver's side door. He had reason to believe Geyger had been involved in an earlier shooting, he had identified himself as a Sheriff's officer, and he had commanded Geyger to drop his gun. However, Geyger opened his driver's side door and shot Detective Crouson, striking him in the abdomen. Detective Crouson also fired. It cannot be determined whether Detective Crouson or Geyger fired first. Even if Geyger did not fire first, he had a gun in his hand, he ignored Detective Crouson's command to drop the gun, and instead stepped out of the vehicle in a manner causing Detective Crouson to reasonably believe that Geyger was going to shoot at him.

Detective Crouson knew instantly he had been hit. He retreated and fired several additional shots until he fell to the ground. Geyger also fell to the ground, landing in a seated position. Given these circumstances, it was plainly reasonable for Detective Crouson to actually believe that he was in danger of death or serious bodily injury.

Detective Sergeant Guzman's actions were similarly justified. As he approached JW Geiger on the passenger side of the Camaro, he heard Detective Crouson yell that Geyger had a gun. He looked through the passenger compartment of the car and saw that Geyger had opened his door and had his arms extended in front of him in a shooting position. Detective Sergeant feared that

Detective Crouson's life was in immediate jeopardy. Under these facts, it would be unreasonable to conclude otherwise.

It must be noted that Detective Crouson fired several rounds as he retreated towards the rear of the Camaro until he fell to the ground. Geyger also fell, dropped his gun, and landed in a seated position. Shortly thereafter, Detective Crouson fired three additional rounds at Geyger. Accordingly, these final gunshots should be analyzed separately.

As Detective Crouson was on the ground, he believed the wound he had received was potentially fatal. However, he saw that Geyger was still twisting and reaching for his gun. Detective Crouson continued to fear for his own life and for the life of Detective Sergeant Guzman if Geyger were able to regain possession of his gun. To prevent that from happening, Detective Crouson fired approximately three additional rounds at Geyger until Geyger fell onto his back.

Even though Geyger had dropped his gun and was seated on the ground, Detective Crouson's belief that Geyger still presented an imminent threat of death or serious bodily injury was justified. Geyger had already shot Detective Crouson once. And, despite having been shot himself, Geyger was still attempting to reach his firearm. These efforts clearly show that Geyger's intention was not to surrender, but to continue fighting. Given these circumstances, Detective Crouson was not unreasonable in choosing not to wait for Geyger to pick up the handgun lying next to him before firing the final three shots.

CONCLUSION

Kershawn Geyger's decision to point a loaded firearm at Detective Crouson, rather than allow himself to be taken into custody, unquestionably constituted an immediate danger of death or serious bodily injury to the detective. Further, Geyger's choice to shoot the detective and then struggle to regain control of the firearm after already having been shot himself indicated Geyger was still fighting and was still a danger. Therefore, Detective Crouson and Detective Sergeant Guzman acted lawfully in utilizing deadly force to confront the threat posed by Geyger.

Accordingly, we will take no further action in this matter.

Cc: Detective James Crouson, Sacramento County Sheriff's Office
Detective Sergeant Lizardo Guzman, Sacramento County Sheriff's Office
Detective Rob Peters, Sacramento County Sheriff's Office
Kimberly Gin, Sacramento County Coroner's Office
Sacramento County Office of Inspector General