



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: December 12, 2022

TO: Supervising Deputy District Attorney C. Gonzalez

FROM: Criminal Investigators Jay Czajkowski #55 and Ted Postolaki #14

SUBJECT: Possible in-custody death Investigation (SSD 22-360884)

NOTIFICATION:

On 12-06-2022, (Tuesday) at approximately 0650 hours, CI Postolaki and I (Czajkowski) were notified of a Sacramento Sheriff's Department possible in-custody death that had occurred at [REDACTED] Whisperwillow Drive, within the County of Sacramento. CI Postolaki and I responded to that location arriving at approximately 0806 hours.

BRIEFING:

At approximately 0955 hours a briefing was conducted by Deputy Eilers #921 (Patrol), Deputy Swain #781 (Patrol), and Deputy Lee # (Patrol) stating that three SSD Deputies were involved in an arrest with a struggle at [REDACTED] Whisperwillow Drive that resulted in the subject being unconscious.

Deputies Linde #1146, Villegas #273, and Martinez #39 responded to a dispatch of three WMA's attempting to steal catalytic converters at [REDACTED] Whisperwillow Drive. While enroute a second call came in for a suspicious person in the backyard of [REDACTED] Whisperwest Ct., and based on proximity, Deputies determined the calls may be related. Once on-scene Deputies Linde and Villegas began to clear the backyard of [REDACTED] Willowwest, while Deputy Martinez responded to [REDACTED] Whisperwillow. (Note: These locations are two houses apart from each other)

As Deputy Martinez approached [REDACTED] Whisperwillow, he observed a BMA near the front door and behind a fenced/gated area. Deputy Martinez drew his firearm and commanded the subject to show his hands. The subject quickly moved toward Deputy Martinez and briefly began to comply with commands by showing his hands. However, as the subject got closer, he dove toward Deputy Martinez' legs and began to fight and struggle. Deputy Martinez immediately holstered his firearm and continued to struggle with the subject.

Deputies Linde and Villegas responded to assist and the subject continued to struggle and resist. The struggle lasted several minutes and it took all three Deputies to gain control and handcuff the subject.

When the Deputies attempted to stand the subject up, his body was limp and he was unresponsive to verbal questions. The subject was laid back down into a position of recovery and Deputies immediately called for Code 3 Fire/Medic response. While waiting for Fire/Medic, Deputies were able to monitor a pulse for the subject and could also see he was breathing.

When Sacramento Metro Fire/Ambulance arrived, the subject was unhandcuffed for medical treatment. Sac Metro Fire/Ambulance monitored the subject then began starting lifesaving procedures (chest compressions). The subject was then transported to a nearby hospital where his condition was unknown. The subject was identified as Sherrano Stingley, xref: 4386971, and DOB: 04-26-1974.

SCENE/WALKTHROUGH:

At approximately 1020 hours, we monitored the area of Whisperwillow Drive and Willowwest Ct. This is a residential neighborhood with these two streets intersecting. The front door of [REDACTED] Whisperwillow faces to the side (north), not toward the street. There is a permanent wooden fence partially blocking the view from the street, and a metal gate leading toward the front door area. There are three vehicles parked in the front area. Two vehicles in the driveway including a backed-in work truck. Adjacent to this work truck is another backed-in work truck parked on a dirt area of the front yard. The arrest/struggle took place between these two trucks. There is an exterior camera on the corner of the garage, however it was determined to be inoperable.

BODY CAMERAS:

On 12-08-2022, at approximately 1425 hours, Investigators Postolaki and I (Czajkowski) arrived at the Sacramento County Sheriff's Department Detective Bureau at 4400 Auburn Blvd., to monitor the body worn cameras by Deputies Martinez and Linde. Martinez' bodycam shows the related incident including initial contact with subject at approximately 0541 hours. Both bodycams show the struggle and at approximately 0544 hours the subject is handcuffed. At approximately 0545 hours, the subject is stood up and observed to be unresponsive. At approximately 0546 hours, Deputies radio for Code 3 Fire/Ambulance.

OFFICER STATEMENTS:

On 12-08-2022, at 1700 hours, Investigator Postolaki and I (Czajkowski) monitor the statements of Deputies Martinez, Villegas, and Linde. The following are summaries of their statements:

DEPUTY FREDDY MARTINEZ #39 STATEMENT: Sworn Officer for four years, currently assigned to patrol.

I was on duty and on patrol in full uniform with a fully marked patrol vehicle. I was dispatched to a suspicious persons call involving three males possibly stealing catalytic converters. Once on-scene I met with my fellow Deputies.

I went to the complainants' house and observed and made contact with a black male adult standing at the fenced area near the front door behind a gate. I appeared to have caught him by surprise. I immediately pulled out my firearm and instructed the subject to show me his hands and get down. He started to get down on the ground and I got closer to him. As I got closer, I went to grab him, and he grabbed my flashlight and legs. We began to struggle. I put my firearm back in the holster. I think I hit him twice, once with my flashlight and again with my right fist. Then he grabbed me by both legs, like in a bear hug and was trying to bite me. I was giving verbal commands for him to let me go, but he didn't. I was by myself, and thought he was going to take me to the ground and get my flashlight or gun and use it against me. I was also concerned about the two other subjects who may be around.

I did not have control of the situation. Based on my training and experience, the subject appeared to be intoxicated or on some type of narcotic. I was struggling and just waiting for my partners to arrive to assist.

My partners arrived and he was still resisting and struggling against all of us. The subject wasn't talking but was growling. My partners struggled to grab his arms and hands and I struggled with his legs. I was trying to control his legs and he grabbed a hold of Deputy Villegas' shirt and wouldn't let go. We finally cuffed him and other Deputies arrived to assist. We tried to get the subject on his feet, but he was unresponsive.

I attempted to get a pulse, but my hand was shaking from the adrenaline, so another Deputy monitored his pulse. I hurt my left hand in the struggle, but wasn't certain how I did it.

DEPUTY RACHEL VILLEGAS #273 STATEMENT: Sworn Officer for three years, currently assigned to patrol.

During the incident Deputy VILLEGAS was wearing a fully marked Sacramento County Sheriff's Uniform and driving a fully marked Sacramento Sheriff's Office patrol vehicle. Deputy VILLEGAS was equipped with a BWC and it was on during the incident.

Deputy VILLEGAS indicated that at the time she responded to a "925," (suspicious person call.) Deputy VILLEGAS said that while responding that SSO dispatch broadcast a second suspicious call in the area. Upon Deputy VILLEGAS' arrival at the scene, she and Deputy LINDE checked a different address in the neighborhood as Deputy MARTINEZ checked the initial complainant's address located at [REDACTED] Whisperwillow Dr.

While doing this Deputy VILLEGAS heard Deputy MARTINEZ begin to yell. Deputy VILLEGAS then ran to the location where Deputy MARTINEZ was yelling. Deputy VILLEGAS said that when she arrived at [REDACTED] Whisperwillow Dr. she observed Deputy MARTINEZ standing with a subject (later identified as Sherrano STINGLEY) wrapped around his legs. Deputy MARTINEZ and STINGLEY were between two trucks parked in the address's driveway. Deputy VILLEGAS said that she immediately attempted to assist Deputy MARTINEZ and attempted to pull STINGLEY off of Deputy MARTINEZ with his sweater. Deputy VILLEGAS indicated as soon as she was able to pull STINGLEY off of Deputy MARTINEZ, that STINGLEY somehow reached up and grabbed onto her uniform shirt collar, pulling her down towards him.

Deputy VILLEGAS stated that she was concerned that STINGLEY would be able to get on top of her and described the grip that STINGLEY had on her collar as a "death grip." Deputy VILLEGAS indicated that STINGLEY had a "super strong" grip and that she could not get him to release it. Deputy VILLEGAS stated that she was very concerned that STINGLEY would lunge towards her and try to bite her face. Based on the fact that Deputy VILLEGAS could not get STINGLEY to release her collar she hung on to STINGLEY's hand to control it. Deputy VILLEGAS said that she was able to base out on her knees so that STINGLEY would not flip her. She said that all of the Deputies were able to get STINGLEY on to his stomach.

Deputy VILLEGAS indicated that STINGLEY continued to pull her toward his face and that she placed her forearm across STINGLEY's jaw to keep him from biting her. Deputy VILLEGAS said that she would let up on her forearm when STINGLEY would look away. Deputy VILLEGAS said that she struggled to keep STINGLEY's face away from her and keep him from biting her.

Deputy VILLEGAS indicated that they were then able to get one handcuff on STINGLEY and that STINGLEY let up his grip on her collar and grabbed her uniform badge. Deputy VILLEGAS indicated that STINGLEY then buried his hand underneath himself. At this time Deputy VILLEGAS said that they were able to pin STINGLEY facedown. The Deputies were then able to place STINGLEY into custody.

Deputy VILLEGAS said that STINGLEY stopped yelling but was still grunting. STINGLEY then became quiet and that his actions were "very different." Deputy VILLEGAS said that she was concerned the STINGLEY was faking his actions and "playing possum." Deputy VILLEGAS indicated that she and other Deputies monitored STINGLEY's pulse and breathing until Medical Personnel arrived at the scene and relieved them.

Deputy VILLEGAS described STINGLEY as an African American Male, bald, Ht. 5.8 to 5.9, Wt. 170. Wearing a dark hooded sweatshirt and blue jeans, with red boxers.

When Deputy VILLEGAS was asked about her fears during the incident, she indicated that she was fearful that STINGLEY would bite her face and that it was a "little terrifying" what else STINGLEY could bite if he was able to pull her close to him. Deputy VILLEGAS stated that based on STINGLEY's heightened strength he could have easily pulled her down if she was by herself. Deputy VILLEGAS said that it "would have been all kinds of bad," if that had happened. Deputy VILLEGAS felt if STINGLEY had really focused on her and not had been distracted by her partners that STINGLEY could have done what he wanted to her. Deputy VILLEGAS stated that she kept

on directing STINGLEY to “let go of my shirt” during the incident and that STINGLEY would repeatedly answer her back by yelling “No!”

Deputy VILLEGAS said that STINGLEY did not comply with any of her lawful orders or commands. Deputy VILLEGAS said that STINGLEY appeared coherent to a certain extent and was able to answer her.

During the incident Deputy VILLEGAS was concerned that she would become a liability if STINGLEY overpowered her and that he obtained control of her firearm or taser and hurt her or her partners with them. Deputy VILLEGAS said that her partner’s would have to shift their focus from STINGLEY and would have to rescue her from him.

Deputy VILLEGAS said based on that STINGLEY had such a grip on her collar, that he could attempt to bite her and could have easily reached her neck and arteries. Deputy VILLEGAS was concerned that STINGLEY could have also reached her eyeballs and ears, maiming her in the process.

Lastly Deputy VILLEGAS was concerned that the initial broadcast radio call had indicated that there were potentially three subjects and that the additional subjects in the area still posed a threat to her and her partners.

DEPUTY BRITTANY LINDE #1146 STATEMENT: Sworn Officer for five years, currently assigned to patrol.

During the incident Deputy LINDE was wearing a fully marked Sacramento County Sheriff’s Uniform and driving a fully marked Sacramento Sheriff’s Office patrol vehicle. Deputy LINDE was equipped with a BWC and it was on during the incident.

Deputy LINDE said that during the call for service that she responded to suspicious person call at the above location. Upon her arrival that she was flagged down by a second complainant located at [REDACTED] Willowwest Ct. As she and Deputy VILLEGAS were checking this address, Deputy MARTINEZ checked the initial complainant’s address located at [REDACTED] Whisperwillow Dr.

Deputy LINDE was then diverted by Deputy MARTINEZ yelling and Deputy VILLEGAS running to assist Deputy MARTINEZ. Deputy LINDE also ran over to the location to assist and when she arrived at the above address she observed Deputy MARTINEZ struggling with a subject (later identified as Sherrano STINGLEY) who was on the driveway between two parked trucks. Deputy LINDE then unholstered her department issued Taser but could not get a clear shot at STINGLEY without possibly striking her partners. Deputy LINDE said that she removed her Taser cartridge in an attempt to “drive stun” STINGLEY with her Taser but that she still did not have a clear contact point. Deputy LINDE then threw down her Taser on the driveway but picked it up and placed it on the hood of one of the parked trucks in the driveway. Deputy LINDE did this based on that she was in fear that STINGLEY would access the Taser if it was left on the ground.

Deputy LINDE said that she heard Deputy MARTINEZ repeatedly yelling at STINGLEY to “Let go of me!” Deputy LINDE said that at this point in time she began directing Deputy MARTINEZ and

Deputy VILLEGAS to coordinate an organized response to STINGLEY's resistance. Deputy LINDE indicated that she realized that STINGLEY had a grip on Deputy VILLEGAS' uniform collar. During the struggle Deputy LINDE said that she could not get STINGLEY's arm behind his back and that she had to use all of her body weight to keep STINGLEY pinned to the ground so that he would not role. Deputy LINDE stated that during the incident that STINGLEY was screaming and growling and would only reply with "No!" when given commands. Deputy LINDE said that that STINGLEY was pulling Deputy VILLEGAS almost face to face with him and that Deputy VILLEGAS was yelling at STINGLEY not to bite her.

Deputy LINDE indicated that she struck STINGLEY three to five times in the face with her left hand in an attempt to get him to release his arms. Deputy LINDE stated that her strikes had no effect on STINGLEY. Deputy LINDE indicated that they were finally able to overcome STINGLEY's resistance and place handcuffs on him while he was facedown.

At this time they attempted to stand STINGLEY up and he became unresponsive. They then placed STINGLEY in a "recovery position" and began monitoring STINGLEY's pulse and unzipped his jacket to monitor STINGLEY's breathing. Deputy LINDE requested "Code 3" fire (medical) to the location. Deputy LINDE believed that STINGLEY was possibly faking his condition so that he could have his handcuffs removed. Deputy LINDE finally expressed that if they no longer would feel a pulse on STINGLEY that they would have removed his handcuffs.

When asked about her Taser cartridge being damaged, Deputy LINDE believed that her Taser fell off the hood of the truck where she had placed it and that the fall damaged the Taser cartridge expelling the wires. Deputy LINDE however did not deploy her Taser at STINGLEY.

Deputy LINDE described STINGLEY as an African American Male, in his 40's, unkempt, Ht. 5.9 to 5.10, Wt. 200, wearing a grey zip up sweat shirt and jeans.

Deputy LINDE repeatedly described STINGLEY as being "uncharacteristically strong." Additionally, that STINGLEY was physically very rigid but very strong. Deputy LINDE commented that STINGLEY had "super human strength" and that it was taking "three adult humans" to hold STINGLEY down. Deputy LINDE stated that she gave STINGLEY repeated commands to "stop resisting!" and to "stop biting!" but that STINGLY did not comply with any of her lawful commands, but repeatedly stated "No!"

During the struggle Deputy LINDE was in fear that STINGLEY could have bit Deputy VILLEGAS in her vital areas, neck, carotid artery, and face and that they would lose control of STINGLEY. Deputy LINDE said that it took three deputies to overcome STINGLEY's resistance and that two deputies would not have been able to control STINGLEY.

Deputy LINDE said that she was also concerned that STINGLEY had yet to be searched for weapons and that he may have been armed along with that there were potentially two to three outstanding subjects in the area who may pose a threat to her and her partners based on the nature of the call.