



Sacramento County District Attorney's Office

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Date: June 27, 2022

To: Captain Anthony Paonessa, Commander
Sacramento County Sheriff's Office
Correctional Services Unit
651 I Street
Sacramento, CA 95814

From: Sacramento County District Attorney's Office

Re: In-Custody Death – Richard Martin (DOB 7/28/57)
SSO Report No. 2019-461518
Date of Incident – December 31, 2019

The above case was referred to this office for review of the circumstances surrounding the death of inmate Richard Martin on December 31, 2019. Martin was assaulted while he was confined in the Sacramento County Rio Cosumnes Correctional Center. The case was submitted to the District Attorney's Office on April 12, 2022.

Martin had been in custody at the Sacramento County Main Jail since December 20, 2019, after his arrest for a violation of his felony probation. He was sentenced to ninety days in the County Jail for this violation when he appeared in Superior Court on December 30, 2019. His incarceration was transferred to the Rio Cosumnes Correctional Center the next morning.

On December 31, 2019, Martin and Deputy Matthew Athey completed a classification worksheet to determine Martin's housing at the facility. The form had a section for "Remarks/Gang Info/Security Concerns." That section was filled in with "PC 290"¹ and "HF 11-22-19."² Question 5 of the classification worksheet asked whether Martin needed protective custody housing for any reason. The response was no. Martin was assigned to barrack "C" in the Honor Facility.

At approximately 1:14 p.m. on December 31, 2019, floor officers Deputy James Tauber, Deputy Darren Anderson, and Deputy Leesai Yang were in the control point when an inmate exited C barrack and approached them. The inmate told them that another inmate had fallen in the C barrack bathroom and was hurt.

¹ Penal Code section 290 requires registration upon conviction of certain sexual offenses.

² Martin was assigned to the Honor Facility housing at times during a prior jail commitment that ended on November 22, 2019.

Deputies Tauber and Yang immediately responded to the bathroom and discovered Martin lying on his back on the bathroom floor near the toilets. Martin's eyes were open and fixed straight ahead. Martin's pants were at his waist, but his genitals were exposed above the elastic waistband. Martin was not breathing although deputies were able to locate a pulse. Deputies radioed for jail medical staff to respond. Deputy Tauber used the heel of his hand to deliver abdominal thrusts to clear Martin's airway in case there was a blockage. When he did so, a thick, brown colored fluid was expelled.

Additional deputies arrived with an automated external defibrillator. It was applied to Martin's chest, and it instructed deputies to begin chest compressions. They began the chest compressions. Medical housing unit staff arrived and assisted. Cosumnes Fire medics arrived and rendered emergency medical aid. At 1:58 p.m., medics declared Martin deceased.

Deputy Tauber reviewed video from the camera located outside the C barrack bathroom entrance. There were no cameras inside the bathroom. The video revealed that inmate Nikolas Kallergis entered the bathroom approximately seven seconds before Martin entered the bathroom. Approximately eight seconds later, an additional inmate entered the bathroom. Approximately one minute and 15 seconds later, a third inmate entered the bathroom and immediately exited. After identifying these potential suspects, deputies interviewed C barrack inmates. These interviews revealed Kallergis assaulted Martin due to his PC 290 registration status.

An autopsy was performed by forensic Pathologist Brian Nagao of the Sacramento County Coroner's Office. The cause of death was blunt force head injuries and was classified as a homicide. Inmate Kallergis is currently charged in Sacramento County Superior Court case number 20FE000290 with a violation of Penal Code section 192(b), Involuntary Manslaughter, as a result of this incident.

No evidence of criminal misconduct by any member of the Sacramento County Sheriff's Office is presented or suggested in any of the supporting reports. Accordingly, the District Attorney's Office will take no further action in this matter.

Cc: Sacramento County Sheriff's Office Lieutenant Janae Galovich
Sacramento County Sheriff's Office Sergeant Quis Formoli
Kimberly Gin, Sacramento County Coroner's Office
Sacramento County Office of Inspector General