



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT  
DISTRICT ATTORNEY

**DATE:** September 11, 2020

**TO:** Supervising Deputy District Attorney Charles Gonzalez

**FROM:** Criminal Investigators Guy Uyeda and Thomas Little

**SUBJECT:** Officer Involved Shooting (SSD #20-285120)

Suspect: Miguel Hernandez, DOB: 11/05/97, xref-5193322

Involved Deputies:  
Deputy Nate Jennings  
Deputy Miles Antonini  
Deputy Cameron Lopez  
Deputy Arielle Fontes

All times referred to herein are approximate and the report is in summary.

## Notification and Briefing:

09/05/20, at 2000 hours, CI Guy Uyeda and CI Tom Little were advised of a Rancho Cordova Police Department (RCPD) Officer Involved Shooting (OIS) near [REDACTED] Folsom Blvd. in Rancho Cordova, CA. The City of Rancho Cordova police services are provided under contract by the Sacramento Sheriff's Department (SSD). We responded to the scene for the briefing.

09/05/20, 2140 hours, SSD and RCPD conducted their briefing in the parking lot of [REDACTED] Investment Circle, north of the shooting scene. The briefing consisted of witnessing officer statements and multiple officer gathered witness statements. SSD allowed us to conduct a walk-through of the scene.

## Summary of Incident:

09/05/20, 1922 hours, two RCPD deputies were dispatched to [REDACTED] Investment Cir. regarding a vandalism involving a Hispanic male suspect with no shirt and a BB gun in his waistband. The two RCPD deputies arrived on Investment Cir. and observed a Hispanic male matching the suspect description (later identified as suspect Miguel Hernandez). The two RCPD deputies observed a black object in Hernandez's waistband and ordered him to the ground at gunpoint. The deputies voiced what was occurring on their radio. RCPD Deputy Lopez was on a nearby call and arrived on foot to assist the two RCPD deputies. Hernandez did not follow Deputy Lopez and the two RCPD deputies' commands. Hernandez got up and walked south towards a church. Deputy Lopez followed the suspect on foot. Hernandez pulled the black object from his waistband and it appeared to be a handgun. Hernandez pointed the handgun at Deputy Lopez and the other two

RCPD deputies. Hernandez walked out of sight behind the church as the other two RCPD deputies drove around to Folsom Blvd. where Hernandez was heading. Deputy Lopez continued to follow Hernandez on foot. Other RCPD and SSD units started towards the area and soon arrived on Folsom Blvd. near where Hernandez was heading. Those other units observed an unrelated subject matching the same description as Hernandez. Those units included Deputy Antonini, Deputy Jennings and Deputy Fontes. They started to detain that similar subject just as Deputy Lopez followed Hernandez out towards Folsom Blvd. near several restaurants. As Hernandez walked along the east side of Mountain Mike's restaurant, he again pointed the handgun at Deputy Lopez. Deputy Lopez fired several shots at Hernandez. Deputy Antonini, Deputy Jennings and Deputy Fontes heard the shots and observed Hernandez in the Mountain Mike's parking lot west of Deputy Lopez. They repositioned their squad cars to contact Hernandez. Hernandez raised the handgun towards Deputy Lopez again, and Deputy Lopez fired at Hernandez again. Hernandez pointed the handgun towards Deputy Antonini, Deputy Jennings and Deputy Fontes. Deputy Antonini, Deputy Jennings and Deputy Fontes each fired shots at Hernandez. Hernandez was struck several times and collapsed to the ground. He dropped the handgun on the ground. Medics arrived on-scene and transported Hernandez to the UCD Medical Center.

The believed handgun that Hernandez was holding was found to be an automotive timing light gun with the wires removed.

Hernandez sustained a gunshot wound to his buttock and left thigh, as well as a bullet graze on his stomach. The wounds were not life threatening, and he is currently being treated at the UCD Medical Center.

Multiple witnesses were contacted and observed Hernandez with the object they also believed to be a handgun. The witnesses also heard the deputies giving Hernandez commands to drop the weapon. ICC cameras were activated in several of the involved squad cars and captured parts of the incident. Body worn cameras are not deployed by SSD. There were multiple private video surveillance systems on the restaurants and businesses in the area that captured some video and audio of the incident.

Hernandez was found to be on searchable probation for a conviction of 245(a)(4) PC (original charge 245(c) PC - 18FE008669). Hernandez was arrested twice within the last month for 273.5(a) PC, but both cases were declined to file at intake. Hernandez had ICE detainers placed on him for both recent DV arrests. On 09/01/20, SSD also responded to another call that Hernandez was brandishing a gun, but no gun was found when he was contacted.

#### **Scene:**

Investment Cir. makes a loop north off of Folsom Blvd. in between Mather Field Rd. and Zinfandel Dr. Investment Cir. has two intersections with Folsom Blvd. which create the loop. There are three restaurants (El Favorito, Bowinkle's and Mountain Mike's) and a strip mall on the north side of Folsom Blvd. bound by the two intersections with Investment Cir. There is a church on the south side of Investment Cir. behind the strip mall and restaurants. There are apartment complexes and small businesses on the north side of Investment Circle. There are more restaurants and strip malls further west and east on Folsom Blvd. from the Investment Cir. intersections with Folsom Blvd. Regional Transit light rail tracks run parallel to Folsom Blvd. south of the businesses and strip malls near Investment Cir. [REDACTED] Investment Cir. is an apartment complex at the northeast

corner of Investment Cir. This is the location deputies were first dispatched to regarding Hernandez.

There was blood located in the parking lot west of Mountain Mike's where Hernandez fell to the ground after being shot.

Deputy Lopez was along the east side of the Mountain Mike's restaurant when he first shot at Hernandez. There were shell casings along the east wall of the restaurant. Deputy Lopez was in front of Mountain Mike's restaurant when shot at Hernandez a second time. There were shell casings and one of Deputy Lopez's pistol magazines on the ground in front of the restaurant.

There were multiple RCPD and SSD patrol vehicles on Folsom Blvd. adjacent to Mountain Mike's and in the Mountain Mike's parking lot. Deputy Antonini, Deputy Jennings and Deputy Fontes each fired shots at Hernandez near these patrol vehicles. There were multiple shell casings on the ground near the patrol vehicles.

### **Statements:**

#### **Deputy Nate Jennings #344**

On 09/08/20, at approximately 0900 hours, SSD Deputy Nate Jennings #344 provided a voluntary statement to SSD Homicide Detectives. Present in the room with Deputy Jennings was his attorney from Mastagni Law Firm. CI Little and CI Uyeda monitored the interview via CCTV. Deputy Jennings was currently assigned to the Rancho Cordova Police Department Crime Suppression Unit and was working an assignment to provide security at City Hall on the evening of the incident. Deputy Jennings was wearing his department issued uniform and was driving a black unmarked patrol vehicle. Deputy Jennings was partnered with Deputy Mulherin. Deputy Jennings carries a department issued Glock 17 9mm handgun.

Deputy Jennings heard via his radio that there was a subject with a possible firearm or BB gun, and he was not cooperative and fleeing from the deputies. Deputy Jennings and Deputy Mulherin responded code 3 to assist. As Deputy Jennings arrived, he saw Deputy Fontes proning a subject out on Folsom Boulevard and positioned his vehicle to provide cover. At this point Deputy Jennings heard multiple gun shots. Deputy Jennings drove to where he heard the gun shots and he saw Hernandez actively engaging in a gunfight and taking a shooting stance. Deputy Jennings grabbed his AR15 rifle and took one shot at Hernandez. Deputy Jennings heard multiple gun shots fired and then saw Hernandez go down. Deputy Jennings went to check on a civilian he thought may have been injured that was between him and the suspect. While Deputy Jennings was checking on the civilian, he saw a Black male adult running up to the deputies and the deputies detained him. Other deputies formed an arrest team, detained Hernandez, and rendered aide to Hernandez. Deputy Jennings canvassed the area for any additional injured subjects and provided a public safety statement to Sgt. Lee.

#### **Deputy Myles Antonini #129**

On 09/08/20, at approximately 1000 hours, SSD Deputy Myles Antonini #129 provided a voluntary statement to SSD Homicide Detectives. Present in the room with Deputy Antonini was his attorney from Mastagni Law Firm. CI Little and CI Uyeda monitored the interview via CCTV. Deputy Antonini was currently assigned to East Division Patrol. Deputy Antonini was wearing

his department issued uniform and driving a marked Sacramento Sheriff's Department patrol vehicle. Deputy Antonini carries a department issued Glock 17 9mm handgun.

Deputy Antonini was handling an embezzlement call when he heard Deputy Watts advise via radio that he had a subject with a gun in his waistband and he was not complying. Deputy Antonini attached himself to the call and responded code 3. While Deputy Antonini was responding he heard that the suspect had the gun out and was pointing it towards the ground. Deputy Antonini also heard that the suspect jumped the fence and was walking towards light rail, had no shirt on and was wearing dark jeans. Upon arrival, Deputy Antonini saw Deputy Mulherin positioned on Folsom Boulevard with Deputy Fontes and they were detaining who he thought was the suspect. As Deputy Antonini was assisting Deputy Fontes he heard one pop he recognized as a gunshot that was close by. Deputy Antonini saw Deputy Mulherin duck for cover and Deputy Fontes do a U-turn into the parking lot. Deputy Antonini saw Hernandez with no shirt on and with a black handgun in his right hand swinging it back and forth. Deputy Antonini positioned his vehicle facing northwest on Folsom Boulevard next to Deputy Jennings. Several commands to put the gun down were given, but Hernandez did not comply. Deputy Antonini saw Hernandez face his partners and point the gun at them. In fear for the life of his partners, Deputy Antonini fired three to five rounds at Hernandez. Deputy Antonini saw Hernandez's gun go down, saw Hernandez fall down, and saw the gun fall three to four feet away from him. A request for code 3 fire was made and he saw Hernandez still moving on the ground. At this time a Black male adult walked into the scene and he was told to stop, but he did not comply. Deputies Fontes, Lopez, Mulherin, and Saelee attempted to detain the Black male adult and he was not complying. The Black male adult stated that Hernandez was his son, but then he said it was his friend. Deputy Antonini assisted with detaining the Black male adult. While detaining the Black male adult, Deputy Antonini saw other deputies approach and detain Hernandez.

#### **Deputy Cameron Lopez #1275**

On 09/08/2020, at approximately 1100 hours, SSD Deputy Cameron Lopez #1275 provided a voluntary statement to SSD Homicide Detectives. Present in the room with Deputy Lopez was his attorney from Mastagni Law Firm. CI Little and CI Uyeda monitored the interview via CCTV. Deputy Lopez was currently assigned to the Rancho Cordova Police Department and worked as a patrol officer. Deputy Lopez was wearing his department issued uniform and driving a marked Rancho Cordova Police Department patrol vehicle. Deputy Lopez carries a department issued Glock 17 9mm handgun.

Deputy Lopez was assisting Deputy Fontes with a different call when he heard dispatch voice a call of a subject involved in a vandalism at the apartments who had jumped a fence carrying a gun. Deputy Lopez heard other deputies assigned to the call arrive on scene approximately thirty to forty yards from his location. Deputy Lopez heard over the radio that they had one at gunpoint and he could see Deputy Watts and Deputy Saelee through the fence. Deputy Lopez jumped the fence and ran towards them. Deputy Lopez saw a Hispanic male adult with no shirt, blue jeans, and a black gun in his waistband (Hernandez). The deputies issued commands, but Hernandez appeared to not understand, and he was not complying. Deputy Lopez then gave commands in Spanish, but Hernandez still did not acknowledge. Hernandez turned and walked away eastbound and then south towards a church. Deputy Lopez saw Hernandez had the gun out and pointed to the ground as he walked towards the church. Deputy Lopez advised Deputy Watts to drive his patrol vehicle slowly to provide cover and they followed Hernandez. Deputy Lopez saw Hernandez reach back and point the gun towards them. Deputy Lopez thought Hernandez was

going to shoot at them. Deputy Lopez did not fire his weapon at that time due to civilians being nearby in a grassy area. Deputy Saelee voiced over the radio that the suspect pointed the gun at them. Deputy Lopez tried to follow Hernandez and voiced over the radio that the suspect was walking southbound towards Folsom Boulevard. A civilian told Deputy Lopez the suspect was walking towards Bowinkle's. Deputy Lopez saw Deputy Fontes on Folsom Boulevard and advised her she was in a crossfire. Deputy Lopez saw Hernandez run towards the drive through of Bowinkle's in the direction of Mountain Mike's. Deputy Lopez saw Hernandez point the gun at him, so Deputy Lopez got behind a pillar and fired three to five times at Hernandez. Deputy Lopez voiced over the radio shots fired and that the suspect pointed a gun at him. Hernandez ran around the front of Mountain Mike's, and Deputy Lopez stood behind another pillar. Deputy Lopez thought he had a gun malfunction, so he dropped his magazine, cleared it, and put another magazine in his weapon. Hernandez pointed the gun again at Deputy Lopez. Deputy Lopez fired his weapon a few more times at Hernandez, and Hernandez went down. Deputy Lopez saw Deputy Jennings, Deputy Mulherin, and Deputy Saelee contact a Black male adult and attempted to detain him. Deputy Lopez kept his focus on Hernandez and gave him commands due to Hernandez's gun still being near him. Deputy Lopez requested a shield which deputies used to approach and detain Hernandez. Deputies provided medical aide. Sergeant Lee arrived on scene, and Deputy Lopez provided his public safety statement.

#### **Deputy Arielle Fontes #76**

On 09/08/2020, at approximately 1200 hours, SSD Deputy Arielle Fontes #76 provided a voluntary statement to SSD Homicide Detectives. Present in the room with Deputy Fontes was her attorney from Mastagni Law Firm. CI Little and CI Uyeda monitored the interview via CCTV. Deputy Fontes was currently assigned to the Rancho Cordova Police Department and worked as a patrol officer. Deputy Fontes was wearing her department issued uniform and driving a marked Rancho Cordova Police Department patrol vehicle. Deputy Fontes carries a department issued Glock 17 9mm handgun.

Deputy Fontes and Deputy Lopez were on an unrelated call near the same area where the incident initiated. Deputy Fontes heard the call regarding the Hispanic male adult but didn't remember hearing if he had a gun. Deputy Fontes heard Deputy Watts voice that he had one at gunpoint, and Deputy Lopez went to assist. Deputy Fontes heard the suspect was walking away and pointed a gun. Deputy Fontes went to assist and approached in her patrol vehicle going eastbound on Folsom Boulevard. Deputy Fontes believed she observed the suspect (similar description to Hernandez, but different subject) crossing Folsom Boulevard from Bowinkle's. Deputy Fontes stopped that subject and gave him commands at gunpoint. Deputy Fontes saw Deputy Jennings and Deputy Mulherin arrive to assist her. Deputy Fontes heard Deputy Lopez over the radio say that she needed to back up and to watch for crossfire. Deputy Fontes heard shots fired and saw a Hispanic male (Hernandez) with no shirt, dark shorts, with a gun in his hand that was pointed down at the ground. Deputy Fontes got in her patrol vehicle and drove into the parking lot of Mountain Mike's. Deputy Fontes used her patrol vehicle PA system and gave commands to Hernandez. When Hernandez lifted his gun Deputy Fontes fired one shot at him. Deputy Fontes heard other deputies say, "watch that guy" and she saw a Black male adult passing her patrol vehicle. Deputy Fontes holstered her gun and assisted with detaining the Black male adult in the backseat of her patrol vehicle. Deputy Fontes recognized Hernandez from having contact with him two weeks prior for a brandishing of a knife call for service.