



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: October 29, 2015

TO: Supervising Deputy District Attorney Tan Think

FROM: Criminal Investigators Butah Uppal and Denise Phillips

SUBJECT: Officer Involved Shooting (SSD#15-271802)
Adriene Jamar LUDD (Xref: 2777313)

Criminal Investigator B. Uppal:

Notification:

10/22/2015, 1420 hours, Thursday: Investigator D. Phillips and I arrived at the Command post established by the Sacramento County Sheriff's Department at Kingdom Hall on Garfield road, regarding the officer involved shooting which occurred on Cypress Ave west of Garfield road at approximately 1158 hours.

BRIEFING:

A de-briefing was conducted at approximately 1430 hours. Deputy Rouse began with his statement as the initiating Deputy of this call. Deputy Rouse stated he observed the suspect vehicle travelling in the opposite direction on Winding Way. He noticed the vehicle had tinted windows and a loud exhaust. He made a u turn. When he was directly behind the vehicle he conducted a registration check. The registration was expired.

Deputy Rouse attempted to stop the vehicle by activating his overhead emergency lights and siren. The vehicle continued, failing to yield. As the vehicle approached a stop sign the passenger in the suspect vehicle jumped out and put his hands up.

Deputy Rouse stayed with the passenger and was able to take him into custody. Deputy Rouse provided responding deputies with a description of the suspect vehicle as it drove away. He later heard radio traffic of the shots fired.

Several Deputies who assisted, but not involved in the shooting provided their initial statements of their duties at the scene. Several deputies interviewed witness at the scene. Three witness observed the driver of the suspect vehicle exit his vehicle and shoot at the deputies. One witness

observed the gun in the suspect's left hand as the suspect drove past him on Cypress Avenue. Another witness was videotaping the shooting from a short distance away, with his cell phone. This witness provided his phone to Deputy Pfeifer with his consent to download.

Deputy Lemus, J. arrived on scene from the west as the gun fire ceased. His ICC was operating at the time. As Deputy Lemus was approaching the scene and exiting his patrol car, he observed the suspect crawling to the south towards a gun. He then heard a shot and the suspect stopped moving. (This was captured on his ICC.)

During the medical aid provided to the suspect, another handgun was located in his left lower pocket.

The Deputies involved in the shooting:

Deputy McEntire, David

Deputy Green, Ben

Deputy Mohler, Troy

SSD Detectives assigned

Det. Sgt. Miller, Joe

Det. Peters, Rob

Det. Lonteen, Jason

Det. Britton, Christopher

Det. Camacho, Marcos

SCENE WALKTHROUGH:

10/22/2015, 1655 hours, Thursday: Detective Lonteen conducted the scene walkthrough. The scene is on Cypress avenue (an east/ west bound street), west of Garfield. Perimeter tape was in place to protect the scene.

At the scene I observed the suspect vehicle, (purple/maroon), Chevrolet Caprice sedan, a white unmarked Sheriff's patrol unit and two marked Sheriff's patrol units:

The suspect vehicle was facing north across the east bound lane. The unmarked white vehicle (driven by Deputy David McEntire and passenger Deputy Ben Green) positioned west bound facing the suspect vehicles passenger side. The front end of the unmarked was approximately 3' away from the passenger side center of the suspect vehicle.

A marked SSD SUV was parked on the north side of Cypress facing west. It was stopped just east of the suspect vehicle. This was Deputy Troy Mohler's unit, and his passenger was Chaplain Jerry Cheek.

The second marked SUV was facing east bound on the west side of the suspect vehicle. This unit was driven by Deputy Lemus.

There were 60 + yellow number tents visible on the ground surrounding the unmarked unit. There were numerous bullet holes in the suspect's vehicle and rear passenger door window.

INTERVIEWS

All interviews were conducted at the SSD CID building on Orange Grove Avenue. [REDACTED] and the passenger of the suspect vehicle were interviewed that evening. The deputy interviews were conducted the following morning, on Friday.

[REDACTED]

1805 hours: The following is a summary of [REDACTED] interview:

He was riding with Deputy Mohler since 0630 hours. As they were returning to the office they overheard the pursuit call. They responded to the scene. Upon arrival he remained in the passenger seat of the unit. He was able to view the incident through the windshield of the SUV.

[REDACTED] observed the suspect exit his vehicle, lay his gun across the top of the car from the driver's door, pointing it at the deputies, and firing. It was rapid fire, but he did not know how many rounds were fired by the suspect. The deputies engaged in the gun fire. [REDACTED] did not see the suspect after the gunfire ceased.

[REDACTED]

1850 hours: Passenger of the suspect vehicle, [REDACTED], was interviewed. He was read his Miranda rights. He agreed to be interviewed, stating "Yes." The following is a summary of [REDACTED] statement:

He has known the suspect since they attended Foothill High school together. He was not aware of the suspect going through any problems. Earlier in the morning they smoked Marijuana together, then went to breakfast. After breakfast they went to a store. This is when the deputy attempted to stop them. The suspect looked scared. He told the suspect to pull over. The suspect responded by saying, "I can't pull over, I'm going to take them on a run." When they approached a stop sign and stopped, [REDACTED] jumped out of the car and submitted to the deputies.

[REDACTED] stated he had no knowledge there were any guns in the vehicle.

10/23/2015, 0900 hours, Friday: I arrived at the SSD CID building.

0930 hours: I viewed the ICC from all three (3) patrol units, (Dep. McEntire's, Dep. Mohler's and Dep. Lemus' units). The videos were clear and revealed the actions of the suspect and the deputies.

Deputy McEntire's vehicle showed the suspect vehicle ahead of them and when it came to a stop. You can see the suspect exiting his vehicle and stand up facing the deputies, then gunfire erupting.

Deputy Mohler's vehicle showed the view from the north side and to the west, and Deputy Mohler's activities after he exited his unit.

Deputy Lemus' vehicle shows the activity from the west side of the suspect's vehicle with the view from the east. You can see the suspect crawling to the north then hear the last gunshot which hits the suspect stopping his movement.

Deputy McEntire – SSD Deputy 12 years

1028 hours: Detectives confirmed the round count, which was conducted in his presence just after the shooting.

Hand gun: Glock, .9mm– 2 rounds in magazine, the second magazine had 18 rounds, the 3rd magazine left at scene.

The following is a summary of Deputy McEntire's interview:

He and Deputy Green were assigned the POP unit. Both were in the unmarked white Ford Crown Victoria patrol unit. They heard the initial contact by Deputy Rous, then the description of the suspect vehicle. They located the suspect vehicle and pursued it to the end. Deputy McEntire was the driver.

Before the suspect vehicle slowed down on Cypress and turned for its final stop, he noticed the driver's door open. He believed the suspect was going to run away from the vehicle. Deputy McEntire saw the suspect exit his vehicle. Through the tinted windows of the suspect vehicle Deputy McEntire could see the suspect had a gun with an extended magazine. The suspect faces the deputies, levels the gun and fires shots at them from over the top of his car.

Deputy McEntire moved to the rear of his unit and fell backwards. At this time he was not sure if he had been shot or not (speaking of himself). At this time Deputy McEntire also dropped a magazine for his gun.

He re-engaged with the suspect as he (Dep. McEntire) returned to the front of his vehicle. He saw the suspect at the rear of the suspect's vehicle, and voiced this position to his partner. He then fired rounds underneath the suspect vehicle. Deputy McEntire saw the gun with the extended mag fly to the south.

The suspect was crawling at a rapid pace towards the gun. Deputy McEntire fired at the suspect's torso, then at his head. The suspect stopped a few feet from the gun.

Deputy McEntire stated he had been giving voice commands to the suspect; "Drop the gun," "Stop." He gave the command to "stop" as the suspect was crawling towards the gun.

Deputy Benjamin Green – SSD Deputy 14 years

1118 hours: Detectives confirmed the round count, which was conducted in his presence just after the shooting.

Hand gun: Glock, .9mm – 1 in chamber and 10 in magazine, one mag fully loaded with 17 rounds, the 3rd mag left at scene.

The following is a summary of Deputy Green's statement:

He confirmed he was the passenger with Deputy McEntire in the white unmarked patrol unit. As they stopped and the suspect exited his vehicle, Deputy Green had a clear view of the suspect

holding a gun with an extended magazine. Deputy Green described the magazine as having a clear center line, where he could see the 30 round magazine was fully loaded.

The suspect swung the gun over the top of his car past Deputy Green's head and towards Deputy McEntire. When he observed the suspect come up with the gun, he fired at the suspect. He does not recall if the suspect fired first or if he fired first. At this point he was in fear that he or his partner were going to be killed.

Deputy Green then saw his partner go down. He did not know if he had been shot. At this time he continued to engage the suspect, firing rounds through the suspect vehicle towards the suspect. He could not see the suspect at this point.

He yelled out to his partner asking if he could see the suspect. He heard the suspect was crawling towards the gun. At this point he believed the suspect was still actively trying to engage them.

At the conclusion of the interview, Deputy Green stated he had prominent vision of the suspect coming over the top of his car with the gun. He recalls thinking to himself that the suspect's gun has twice the number of rounds that he has in his gun.

Deputy Troy Mohler – SSD Deputy 20 years

1227 hours: Detectives confirmed the round count, which was conducted in his presence just after the shooting.

Hand gun: Glock, .9mm – 1 in chamber and 9 in magazine, the remaining two were fully loaded with 17 rounds each.

The following is a summary of Deputy Mohler's interview:

He heard the pursuit on the radio. As he entered the scene, he observed the unmarked patrol unit and the suspect vehicle. He saw the suspect coming up with both hands on a gun over the top of his vehicle. He could see that the gun had a 30 round magazine.

Deputy Mohler then observed what he believed was Deputy McEntire being shot and falling backwards. At this point he called out "shots fired," on the radio. Deputy Mohler then crouched down to see the suspect and saw him moving. He verbalized this to Deputy Green.

Deputy Mohler believed the suspect was going to shoot him; he felt that he was going to be shot any second; he was feeling vulnerable. During the incident Deputy Mohler was recalling a video he had recently watched in an AOT course, where the suspect was lying in wait behind a vehicle.

Deputy Mohler saw the suspect crawling towards the gun; he felt he would fire at them if he reached the gun.

After the gun fire ceased and the suspect was approached, Deputy Mohler observed the second gun in the suspect's pocket. Deputy Mohler subsequently retrieved both guns and secured them in his patrol unit.

Deputy Mohler stated the suspect had advantage on the deputies by the placement of his vehicle. It appeared to him the suspect had a plan.