



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: May 15, 2017

TO: Supervising Deputy District Attorney Tan Thinh

FROM: Criminal Investigators Steve McCarthy and Bill Hutto

SUBJECT: Officer Involved Shooting (SSD #17-150089)
Mikel Laney McIntyre, DOB: 12/20/1984 (X-Ref #4463212)

NOTIFICATION:

May 8th, 2017 @ 2020 hours (Monday): Investigators Steve McCarthy and Bill Hutto arrived at the Command Post established by the Sacramento County Sheriff's Department at 2863 Zinfandel Drive, Rancho Cordova. In regards to the officer involved shooting by their deputies at approximately 1851 hours in the areas of Zinfandel Drive and Olson Drive and a secondary location of Highway 50 under the Zinfandel Drive Overpass.

BRIEFING:

A briefing of the incident was conducted at approximately 2110 hours, coordinated by Sacramento Sheriff's Department Sergeant Paul Belli #128. Sergeant Shawn Hampton began with his initial accounts and observations of the scene as one of the first back up officers to arrive on scene. Sergeant Hampton advised Deputy Jeff Wright was dispatched to the Ross Department Store at approximately 1846 hours on a report of an assault in progress. The call indicated a Black male adult was assaulting a female in a car. Deputy Wright arrived on scene at approximately 1850 hours and advised he was "out with a subject who was walking away". At approximately 1851 hours Deputy Wright radioed he was fighting with the subject. Deputy Perssons arrived on scene immediately after and located Deputy Wright in the parking lot between the Red Roof Inn and a Chevron Gas Station. Deputy Perssons found Deputy Wright bleeding profusely from his head. Deputy Wright stated he fired two rounds at the suspect before he fled Southbound toward Highway 50. Deputy Perssons then relayed this information to other responding deputies. Sergeant Hampton advised other officers had contacted the suspect under the Zinfandel Drive on Highway 50 and additional shots were fired. Sergeant Hampton advised Deputies James Hart, Gabe Rodriguez, Ken Becker, Nate Jennings, Jason Harris, County Park Ranger Cory Stewart, California Highway Patrol Officers Sherwood #18370 and Bigalbal #18532 were all present at the scene of Highway 50 and Zinfandel Drive.

During the briefing, we determined there were three crime scenes. The first scene was located in the parking lot of the Ross Department Store at 10835 Olson Drive. There were several civilian witnesses to the events that occurred in and around the black Honda with a CA license [REDACTED]. These witnesses indicated the disturbance involved an older Black female and a younger (described by all as being in his

20's) Black male adult wearing a jersey with either 21 or 81 on it. All witnesses described the assault of the female by the male with varying accounts as to whether hair was pulled, punches were thrown, or choking occurred. Several witnesses reportedly called 9-1-1 and a couple witnesses were yelling at the suspect to stop the assault. One witness reportedly either hit or attempted to hit the suspect with her purse. Most witnesses to this event were consistent in their accounts of the suspect walking away Southbound when the police arrived.

The second scene was the parking lot between the Red Roof Inn at 10800 Olson Drive and the Chevron Gas Station at 3001 Zinfandel Drive. This parking lot is east of Zinfandel and south of Olson Drive. During the briefing, responding deputies relayed several witness statements regarding the confrontation between Deputy Jeff Wright and the suspect. The witness statements were fairly consistent that Deputy Wright was chasing (either walking fast or jogging) after the suspect. Some witnesses advised Deputy Wright tripped or fell near the front side of a red Chevrolet truck parked along the east property line of the Chevron Gas Station. Other witnesses advised Deputy Wright attempted to tackle the suspect near the red Chevrolet truck. All witnesses advised the suspect picked up a large river rock and threw it at Deputy Wright. Most witnesses saw the rock strike Deputy Wright in either the head or upper chest area and saw Deputy Wright fall down. Most witnesses advised Deputy Wright appeared "dazed" and stumbled as he tried to get back on his feet. Several witnesses saw the suspect pick up a second rock as Deputy Wright drew his handgun and told the suspect to stop. Most witnesses stated Deputy Wright fired two rounds at the suspect and the suspect fled Southbound toward Highway 50. A couple of civilian witnesses immediately came to Deputy Wright's aid with towels and water as Deputy Perssons arrived on scene.

The third scene was the area of Highway 50 under Zinfandel Drive and an additional area of westbound Highway 50 near the southbound onramp from Zinfandel Drive. All witnesses from this area noticed the police vehicles arriving. Most witnesses observed the Black male wearing a #81 jersey running down the embankment or under the overpass being chased by police officers. Several witnesses observed and heard the officers firing their guns at the suspect. One witness described seeing an officer shoot, then observed the dog apprehend the suspect. This witness advised after the dog bit the suspect, approximately six (6) officers assisted with handcuffing him.

Sacramento County Sheriff's Deputies involved in the shooting:

Deputy Gabriel Rodriguez #379

Deputy Jeffrey Wright #46

Deputy Ken Louis Becker #931

SSD Detectives assigned:

Sgt. Paul Belli

Sgt. Ken Clark

Det. Rob Peter

Det. Nate Traxler

Det. Heather File

Det. Corey Newman

Det. Carlos Cabrera

Det. Dana Vicory

Det. Adam Persson

Det. Courtney Bartilson

Det. Vitaly Prakopchuk

SCENE WALKTHROUGH:

05/08/17, 2230 hours, Monday: Sergeant Paul Belli informed us Deputy Jeff Wright had been transported to a hospital and unable to complete the scene walkthrough near the red Chevrolet truck. We then went to scene at Highway 50 under Zinfandel Drive and met with Deputies Rodriguez and Becker. As we walked to this location, we noticed both westbound Highway 50 onramps were blocked off and closed to vehicle and pedestrian traffic.

When we arrived at the bottom of the westbound Zinfandel onramp to Highway 50 (for northbound Zinfandel traffic) we observed a marked patrol unit and yellow crime scene tape cordoning off the area. We waited at this location while detectives, association attorneys, and involved officers conducted the initial walkthrough of the scene. Once the initial walkthrough was completed, we were taken on a secondary walkthrough of this scene by Sergeant Ken Clark.

As we were walking west, Sergeant Clark pointed to the embankment along the east side of Zinfandel Drive. He then advised the suspect had descended from a portion of the embankment and while being followed by an undetermined officer. Sergeant Clark advised the suspect traversed along a slanted path under Zinfandel Drive approximately 20' above Highway 50 in a westbound direction. When we arrived at the western edge of Zinfandel Drive, we observed another area blocked off by marked patrol units and yellow crime scene tape. Sergeant Clark advised in this area the suspect confronted Deputy Becker with a rock as he stood at the top of the embankment. Sergeant Clark advised Deputy Becker fired two rounds at the suspect from a position below the embankment as he pointed his weapon in a northwest direction. We also observed a marked patrol unit with its lights activated parked on the westbound onramp to Highway 50 northwest of where we were standing.

There were several other patrol vehicles parked on Highway 50 blocking all westbound lanes of traffic. Sergeant Clark also advised the area near the #2 and #3 lanes of westbound Highway 50 is where Deputy Gabriel Rodriguez fired his weapon. Sergeant Clark said Deputy Rodriguez had been traveling eastbound Highway 50 and parked his vehicle in the center median. Deputy Rodriguez then exited his vehicle and crossed over into the westbound lanes of traffic to engage the suspect. Sergeant Clark advised Deputy Rodriguez had observed the suspect make a throwing motion toward Deputy Becker. Deputy Rodriguez's vehicle was still present where he had initially parked. Sergeant Clark said the suspect then ran down the embankment and continued running west along the north edge of Highway 50 to a dirt area where the onramp merges with the freeway. Sergeant Clark advised Deputy Becker used his K-9 to apprehend the suspect and additional deputies assisted in handcuffing the suspect.

We did not enter the crime scene at this location and were unable to examine the number of expended shell casings. We also were unable to look for other possible evidence, other than what was described above.

We then walked back to the scene with the red Chevrolet truck in the Chevron parking lot. This scene was secured with sheriff's personnel and yellow crime scene tape. The inner perimeter consisted of an area that included the Chevrolet truck and a wrought iron fence. The west side of the fence was aligned with trees and curb separated the parking lot from a dirt area. Sergeant Clark pointed to a couple of white towels on the pavement near the right rear corner of the truck. Sergeant Clark advised this was the area where the citizen witnesses and Deputy Perssons found Deputy Wright. Sergeant Clark advised there was a large amount of blood on the ground near the towels. From our position we could see a large river rock on the pavement between the truck and curb of the dirt area. This rock appeared to be about the size of a large grapefruit.

We then walked next door to the Red Roof Inn parking lot. During the briefing it was reported there were a couple of witnesses who gave detailed accounts of the confrontation between Deputy Jeff Wright and the suspect. We observed several trees, the wrought iron fence, and a row of bushes between the Red Roof Inn and the Chevron Gas Station parking lot. From the Red Roof Inn parking lot, we found we could see the area of the red Chevrolet truck clearly from several different locations.

We walked back to the area of Ross Department Store to examine the black Honda CA License [REDACTED]. As we walked north east from the Red Roof Inn, we noticed a marked Sacramento Sheriff's patrol vehicle parked facing east in the parking lot between the Rancho Cordova Town Center at 10801 Olson Drive and Panda Express at 10831 Olson Drive. SSD Detective Feil advised us this patrol vehicle was operated by Deputy Jeff Wright. We continued walking northeast to the parking stalls east of the front doors of the Ross Department Store. At this location we found approximately 10 to 12 parking stalls cordoned off with yellow crime scene tape and guarded by sheriff's personnel. The deputy at this location advised us the black Honda belonged to the victim. The black Honda was approximately 100 yards away from where Deputy Jeff Wright's patrol vehicle was parked.

DEPUTY INTERVIEWS:

Prior to the deputy interviews, Investigator Hutto and I (McCarthy) were able to view three (3) different vehicle dash camera recordings from the below listed deputies as they arrived at the Highway 50 / Zinfandel Underpass.

Sergeant Jason Harris vehicle's dash camera recorded a view of the overall incident as he was parked in the center divider area of westbound Highway 50 east of the Zinfandel Overpass.

Rancho Cordova Police Officer James Hart's vehicle's dash camera recorded a closer view of the incident itself as he was traveling westbound Highway 50 directly under the Zinfandel overpass.

Deputies Aaron DeCaro and Nate Jennings vehicle's dash camera recorded a close up view of the shooting as they traveled westbound Highway 50 under the Zinfandel overpass and the area where the suspect was taken into custody.

On May 10, 2017, Deputies Jeffrey Wright, Gabriel Rodriguez and Ken Becker were interviewed at the Sacramento Sheriff's Central Investigations Division. The following are summaries of their statements.

Deputy Gabriel Daniel Rodriguez, Badge #379, Age 42, Hire Date: January 1, 2012.

At 17:35 hours, Deputy Gabriel Rodriguez was interviewed. Deputy Rodriguez advised he had been on another call when he heard Deputy Wright (via the radio) say he was fighting with a subject. Deputy Rodriguez said Deputy Wright then gave another update saying he had been hit with a rock and shots were fired. When arriving, Deputy Rodriguez said he parked his patrol vehicle in the eastbound center divider area of Highway 50 under the Zinfandel overpass. Deputy Rodriguez said he immediately observed a Black male running westbound along the raised berm under the Zinfandel overpass. Deputy Rodriguez said he observed the suspect suddenly stopped running and turn around like he was going to confront a chasing deputy, but then continued running westbound.

Deputy Rodriguez said at this point, he recognized the suspect from a previous call a few hours earlier. (SSD Call 17-149896). The previous call involved an agitated subject that wanted to see his grandmother. At the time, the suspect was temporarily handcuffed and placed in the back seat of a patrol vehicle. Deputy Rodriguez said he wasn't sure, but thought the mother or an aunt had used pepper spray on the suspect prior to his arrival. Deputy Rodriguez said the suspect refused any medical assistance and was eventually released.

Deputy Rodriguez said as the suspect continued westbound under the overpass, he observed him throw a large solid object at Deputy Becker. Deputy Rodriguez said the object appeared to strike Deputy Becker and he felt it could cause great bodily injury. Deputy Rodriguez said he was standing in the #2 or #3 Lanes of westbound Highway 50 when he drew his handgun and began firing at the suspect. He said he estimated he was approximately 20 -25 feet west of Deputy Becker. Deputy Rodriguez did not know the exact number of shots he fired, but felt it was approximately ten (10). After the shots, the suspect was running in a jagged motion and then continued walking westbound along the edge Highway 50. Deputy Becker then released his K-9 to apprehend the suspect. After being apprehended Deputy Becker's K-9, additional deputies assisted with handcuffing the suspect.

Deputy Rodriguez said he fired his weapon due to the suspect injuring Deputy Wright, his attempt to injure Deputy Becker and the possible threat to public safety if he were to escape.

Deputy Jeffrey Wright, Badge #46, Age 35, Hire Date: December 24, 2006.

At 18:25 hours, Deputy Jeffrey Wright was interviewed. Deputy Wright advised he was in the immediate area of the Ross Department Store when he heard an assault call in the parking lot. As he arrived, he saw a crowd of people standing in front of the store. When he approached, a female pointed to a Black male and said he was the primary aggressor. Deputy Wright said he then attempted to detain a Black male that was walking away in a southbound direction. Deputy Wright described the male as wearing a blue Dallas Cowboys shirt.

Deputy Wright said he then exited his vehicle and began walking after the suspect. As he followed the suspect onto Olson Drive, the suspect crossed the street and continued in a southward direction. The suspect then entered a parking lot just west of the Red Roof Inn. At this point, Deputy Wright said he reached out to grab a hold of the suspect's clothing in an attempt to detain him. Deputy Wright explained as he did this, the suspect began moving back and forth. He described the suspect's movements similar to children playing tag in school.

Deputy Wright said he then drew his handgun and ordered the suspect to get on the ground. He said the suspect suddenly stopped moving away and then turned toward him. At that point, Deputy Wright said he holstered his gun because he felt physical force was needed to detain the suspect.

Deputy Wright said at the time, he and the suspect were near a wrought iron fence that separated the Red Roof Inn and the front of a red colored pickup truck that was parked nearby. When Deputy Wright attempted to grab the suspect, he said he may have tripped on the cement curb and fell. During this time, he briefly lost sight of the suspect. While on his knees, he regained visual of the suspect. He said the suspect was now holding a large football size rock and threw it at his face. Deputy Wright turned his face to the right in an attempt to avoid being hit but was struck in the head. Deputy Wright said after being hit, he could not hear anything and it was very bright as he tried to focus on the suspect.

Deputy Wright said he told himself that he wasn't going to die and tried to get up. He said he drew his gun and pointed it at the suspect who was now south of him in the parking lot. He said the suspect was about 7 - 10 yards away and was facing him when he fired his first shot. He said the suspect turned away as he told him to stop and fired another shot. Deputy Wright was unsure of the amount of rounds he fired, but later saw two (2) expended shell casings next to where he had been standing.

He said as the suspect ran off, he felt warm blood from his head. He said citizens from the Red Roof Inn offered him assistance and later Deputy Perssons arrived.

Deputy Ken Louis Becker, Badge #931, Age 32, Hire Date: September 4, 2005.

At 19:15 hours, Deputy Ken Becker was interviewed. Deputy Becker advised he was working with his partner, K-9 Ranger. Deputy Becker advised he had been on an accident call near Bradshaw and Goethe Roads when Deputy Wright advised (via the radio) he had a subject walking away from him. Deputy Becker said Deputy Wright then gave another update indicating he had someone at gunpoint.

Deputy Becker said he responded Code 3 (lights and siren) to Deputy Wright's location. While enroute, Deputy Becker said he heard another update from Deputy Wright that shots had been fired. He said Deputy Becker also said he had been hit over the head with a rock. As he was arriving into the area, Deputy Becker heard Deputy Perssons describe the suspect as being a Black male, wearing a Terrell Owens Dallas Cowboys jersey with the number 81. Deputy Perssons said the suspect was last seen running behind the Red Roof Inn and the Hooters Restaurant.

Deputy Becker said he initially stopped on Zinfandel Drive near Olson Street and looked to his east in attempt to see the suspect running behind the businesses. He said he then observed a sheriff's vehicle parked in the center divider of westbound Highway 50. Sergeant Jason Harris then advised (via the radio) the suspect is walking westbound under the Zinfandel overpass. Deputy Wright said he then parked along the western side of the Zinfandel overpass near the westbound Highway 50 onramp. Deputy Becker said he exited his vehicle with K-9 Ranger. Deputy Becker said he and K-9 Ranger began checking the brush and grass area. While doing this, Deputy Becker advised he observed Deputy Rodriguez's car parked the center divider of eastbound Highway 50 directly to the south. Deputy Rodriguez then advised (via the radio) the suspect was walking westbound under the overpass.

Deputy Becker said he and K-9 Ranger waited at the western side of the overpass to prevent the suspect from continuing westbound. While in this position, Deputy Becker observed the suspect walking on the berm above him. He said the suspect immediately raised his arm like a baseball pitcher and threw a river rock at him. He said the rock appeared to be 5-6 inches in diameter. Deputy Becker said he immediately started to

back up while drawing his gun. When doing this, he also pulled K-9 Ranger backward. He said he raised his arm to protect his face while firing a shot at the suspect. Deputy Becker said the rock hit K-9 Ranger and then his leg.

Deputy Becker said the suspect then immediately began running down the raised embankment in a westbound direction and crossed directly in front of him. Deputy Becker said he then observed the suspect holding another large rock. He said the suspect then attempted to throw the second rock at him, but missed. Deputy Becker said he then fired at least one more time. Deputy Becker said he did not deploy his dog because he was concerned about vehicle traffic and the potential of hurting other officers. Deputy Becker then heard Deputy Rodriguez shooting. Deputy Becker said he fired approximately 4 or 5 more times as the suspect continued running westbound on the edge of Highway 50. Deputy Becker explained he fired his gun because the suspect had already injured Deputy Wright, had just thrown another large rock at him, and felt there was a danger to public safety if he were to escape.

After firing his gun, Deputy Becker said the suspect continued walking westbound along the edge of Highway 50. He then holstered his gun and used K-9 Ranger to apprehend the suspect. He said his decision to use K-9 Ranger was because of the continued attempts to injure responding officers. K-9 Ranger bit the suspect on the lower left leg while additional officers assisted with taking the suspect into custody.