



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** June 14, 2017  
**TO:** Deputy District Attorney Tan Think  
**FROM:** Criminal Investigators Diane Hall and Denise Phillips  
**SUBJECT:** Officer involved shooting (SSD 17-194378)  
Kinard THOMAS (XRef: 4325055)

**Criminal Investigator Diane Hall:**

**OIS/6-13-2017**

**SUSPECT:** THOMAS, Kinard (DOB: 5-12-1979)  
XREF 4325055  
5208 53rd Avenue, Sac., CA

- (V-1) SSD DEPUTY Nicholas RUSSELL #1258
- (V-2) SSD DEPUTY Jeb TURMELL #1161
- (V-3) SSD DEPUTY Brian FRIZZIE #1165
- (V-4) SSD DEPUTY Kionna ROWE #1463

(C) [REDACTED]  
[REDACTED]  
Sacramento, CA 95823

## SUMMARY:

All times referred to herein are approximate.

6-13-2017/Approximately 1920 hours, Sacramento County Sheriff Department (SSD) received a call from Complainant [REDACTED] stating that her ex-boyfriend, Suspect Kinard THOMAS, whom she had a Domestic Violence Restraining Order (DVRO) had walked by her residence and that she had seen the grip of a gun in his waistband.

SSD Deputy RUSSELL and SSD Deputy ROWE were dispatched to 5208 53rd Avenue. Once there, they recognized, from prior calls that the home was vacant and used by "transients." Deputy RUSSELL and ROWE then responded to [REDACTED] address at [REDACTED] and made contact with [REDACTED]

[REDACTED] informed them she had a DVRO against THOMAS. [REDACTED] explained she, her mother and her boyfriend, had just pulled up at the residence when they saw THOMAS outside their residence.

██████████ explained she and her boyfriend drove and followed THOMAS back to the 5208 53rd Ave address. ██████████ explained they watched THOMAS enter the home via the front door. ██████████ told the Deputies that they had seen the grip of a gun in THOMAS' waistband area and that he also carries knives.

Deputy RUSSELL and ROWE then returned back to 5208 53RD Ave to attempt to locate THOMAS. Deputy RUSSELL requested assistance to search the residence at 5208 53rd Ave.

SSD Deputy TURMELL and Deputy FRIZZIE responded to the 5208 53rd Ave location where Deputy RUSSELL and ROWE updated Deputy TURMELL and FRIZZIE.

The 4 Deputies gained entry into the home by going through the garage. The front porch was dead-bolted and they could not get to the front door of the residence. The Deputies made several announcements prior and during their search of the home.

Upon entry into the home, one of the Deputies saw a subject run down the hall towards the back of the house. The Deputies systematically searched/cleared the house while announcing their presence and demanding the subject to come out.

After an initial search with negative results, the Deputies agreed to conduct a secondary search believing the subject was still inside the residence. They continued to announce their presence with commands for the subject "to come out."

During the secondary search of a back bedroom, Deputy RUSSELL was starting to search a closet when he saw a subject start to come out of the closet as he (RUSSELL) was opening the sliding doors with his foot. Fearing for his safety, Deputy RUSSELL backed up, and fired once. THOMAS was struck once in the upper right front shoulder area. All 3 of the other Deputies each heard 1 gunshot. Deputies rendered first aid until Fire arrived on scene. None of the Deputies were wearing body-cameras.

**6-13-2017/APPROX 2045 HOURS:** I received communication from DA Lieutenant L. Gracia that there had been an OIS involving the Sacramento County Sheriff's Department.

**APPROX 2130 HOURS:** I arrived and met DA CI D. Phillips at the designated Command Post located at the Sheriff Department's South Central Division located at 7000 65th Street.

**APPROX 2200 HOURS:** DA CI Phillips and I arrived at the scene of 5208 53rd Ave. SSD had their debriefing of the OIS events. DA CI D. Phillips completed the walk-thru of the scene.

**APPROX 2300 HOURS:** I arrived at SSD CID (4510 Orange Grove Ave 95841) to observe the interview(s). I observed Deputy TURMELL, Deputy RUSSELL, and part of Suspect THOMAS' interview. As a result, I was unable to observe ██████████ and her mother's interview. I was told that ██████████ boyfriend refused to be interviewed.

**APPROX 2345 HOURS:** SSD Homicide Detectives R. Peters #701 and C. Cabrera #1499 interviewed Deputy TURMELL (with his attorney present) which was video recorded. I observed the interview from a separate viewing/monitoring room.

See attached DEPUTY TURMELL STATEMENT.

**6-14-2017/APPROX 0040 HOURS:** Detectives Peters and Cabrera interviewed Deputy RUSSELL (with his attorney present) which was video recorded. I observed the interview from a separate viewing/monitoring room. The interview included conducting a round count of Deputy RUSSELL's handgun, a department issued Glock 17, 9mm which has a magazine that has a (17) round capacity. There was (1) round in the chamber and (16) rounds in the magazine. The (2) spare magazines were both loaded to their (17) round capacity.

See attached DEPUTY RUSSELL STATEMENT.

**APPROX 0135 HOURS:** Detectives Peters and Cabrera interviewed Suspect THOMAS which was video recorded. I observed most of the interview, but departed approximately at 0300 HOURS.

See attached Suspect THOMAS STATEMENT.

**Criminal Investigator Denise Phillips:**

**Scene Viewing and Walk Through**

SSD Homicide obtained a Mincey warrant for the scene 5208 53rd Ave. Deputy RUSSELL was not at the walk-thru of the scene.

6-14-2017/APPROX 0225 HOURS: I, CI Denise Phillips participated in a walk-thru with SSD Detective Nathan Traxler. 5208 53rd Ave is a single story residence on the south side of 53rd Ave, which faces north. The front yard landscaping was over grown. The front porch area had an enclosed wrought iron enclosure with a gate. The attached garage is on the east side of the residence. The garage overhead rollup door appeared to be pealed open slightly on the east lower corner.

There was no furniture inside the residence. There was a bicycle in the front (west) living room area. In the S/W carpeted bedroom, there was a closet on the west wall. The closet was a sliding type and it was partially opened. I observed what appeared to be bloodstains in the carpet and additional blood stains towards the middle of the room. There was a white sock and shirt on the carpet in the room. The white sock also appeared to have a bloodstain.

On the kitchen counter, there were clothes, cellular phone and a laptop. The S/E rear living area had some other items along the north wall.

**INTERVIEW OF SSD DEPUTY JEB TURMELL #1161:**

6-13-2017/APPROX 2345 HOURS: SSD Homicide Detectives Peters and Cabrera interviewed Deputy TURMELL who related the following in summary.

I am currently assigned Central Patrol and have been on patrol since 2016. I cannot recall the last time I qualified (with my firearm), but it was the last period the department had qualification. I was wearing a marked uniform and driving a marked patrol vehicle.

Earlier tonight, I remember seeing a message on the MDT from Deputy Russell requesting assistance to clear a house. I responded and met Deputies Russell, Frizzle and Rowe at 5208 53rd Avenue. I recognized the house at 5208 53rd Avenue from recent past calls for service (transient issues).

Deputy Russell and Rowe provided a brief update that they believed suspect Thomas was in the house because the complainant had seen him run inside. They also stated that Thomas was armed possibly with a gun and/or knives. I knew Deputies Russell and Rowe had been dispatched to this DVRO call.

We could not get to the front door because the front porch was enclosed by a wrought iron fence and dead bolted. All four of us were able to gain entry into the house via the garage. We made several announcements of our presence.

I was the first to make entry into the home. As soon as I entered, I saw quick movement to my right and alerted the other deputies. I saw a subject running down towards the back of the house. I knew from prior calls, that this house had bars on all the windows and the likelihood the THOMAS had been able to escape the house by a window was very small.

We continued to search the house with negative results as well as announced our presence. On the secondary sweep, Deputy Russell and I went into one of the 2 back bedrooms. I cleared the closet closest to my left then started back towards the hallway. I heard Deputy Russell kick one or two times.

As I started to turn my body, I heard a single gunshot.

I turned around and saw THOMAS sitting on the ground with his knees to his chest and was holding something in his hands. I yelled at him to show me his hands. In his hand, he had a lighter. We then got him handcuffed. There were no lights on in the house. There was a little bit of light coming through the blinds.

THOMAS had been shot in his right front shoulder area. We rendered first aid until Fire/Medical personnel arrived.

No, no one acknowledged our presence while we were announcing ourselves and making commands. I would estimate we had searched for about 2 minutes with multiple commands with negative results. Yes, I think that was ample time for someone to announce themselves.

END OF STATEMENT.  
CI D.HALL #57

**INTERVIEW OF SSD DEPUTY NICHOLAS RUSSELL #1258:**

6-14-2017/APPROX 0040 HOURS: SSD Homicide Detectives Peters and Cabrera interviewed Deputy RUSSELL who related the following in summary.

I started with the Sheriff's department in 2011. My current assignment is patrol.

I have qualified twice this year: 1/19/2017 & 2/20/2017.

I was wearing a marked uniform and driving a marked Crown Vic patrol vehicle this evening.

I had just cleared a call when Deputy Rowe and I were dispatched to this PC273.6/DVRO call. I recognized the address as a known vacant/transient house.

Deputy Rowe told me that the complainant was at the [REDACTED] address and per the complainant, had seen the suspect walking back towards 5208 53<sup>rd</sup> Avenue address.

Deputy Rowe and I both drove to meet the complainant and spoke with her. The complainant told us she had seen the suspect out front of her house walking. The complainant described the suspect as violent, known to carry knives, run and hide from cops, and she had a current restraining order against him. She had said that she thought she had seen the grip of gun sticking out from his waistband area. The complainant's demeanor was that she was upset and extremely fearful of the suspect.

There was another female with complainant who told us basically the same thing the complainant said about the suspect.

I conducted a computer search of the suspect for priors and saw that he had "148 priors." I then requested other officers to assist Deputy Rowe and me in a search of the residence at 5208 53<sup>rd</sup> Avenue.

Deputy Rowe and I met two other deputies that had responded to my request: Deputy Frizzie and Deputy Turmell. I updated them on the situation.

Deputy Frizzie was able to slip underneath the garage door and open the side door that we all were able to go through to get into the garage. We then were able to gain entry into the house by the garage. As we entered, we all were making commands and announcements.

I think it was Deputy Frizzie that announced, "I got one" and made reference to the back of the house. We were all still up in the front of the house clearing the house systematically.

We cleared all the bedrooms and bathroom with negative results.

We all sort of met up in the hallway and discussed that we all believed the suspect was still in the house somewhere hiding. We decided that we were going to do a secondary search, but slower this time. We continued with our announcements and commands with negative results. The house was dark, but light was coming through the window shades and we were using our lights to search.

As I went into the bedroom at the end of the hall, I cleared one of the closets and then moved to the second closet. I'm not sure which Deputy was with me in the room. As I approached the second closet, I was moving the two sliding doors on the closet. I had my gun out with the flashlight on.

As I opened the door, I immediately saw a face and then the face was coming at me. I stepped back, and fired once. The suspect dropped to the floor. My partners cuffed the suspect while I called for Fire/Medical assistance. We rendered first aid.

When I saw the suspect coming at me from the closet, we were about a foot to foot and half from each other. I thought he was going to attack me. I thought if he had a weapon (gun or knife), he was going to use it on me. I thought he might try to take my gun from me.

I'm not sure how long it took to clear the house, but it is fair to say that it took a couple of minutes. The suspect never made himself known.

END OF STATEMENT.  
CI D.HALL #57

INTERVIEW OF SUSPECT KINARD THOMAS:

6-14-2017/APPROX 0135 HOURS: Detectives Peters and Cabrera interviewed Suspect THOMAS which was video recorded. I observed most of the interview, but departed at approximately 0300 HOURS.

Detective Peters read Suspect THOMAS his Miranda Rights.

THOMAS stated the following in summary.

I don't own 5208 53<sup>rd</sup> Street. I'm renting the place from [REDACTED] [REDACTED]" I pay \$1,150.00 a month. No, I don't work. I enter the house through the front door with a key. I've lived there about two months. I have my clothes and "knick knacks" there. Yes, I have a rental agreement.

I was shaving when the police came in. I knew it was the police because I heard them say they were the police.

Around 6:30pm/7:00pm today, I was at my grandma's house. I went back to my house to take a shower.

I don't know why I hid in the closet. I should've come out. I had smoked some weed. I was telling myself to just come out and I saw the lights.

When they, the police, were coming down the hall, I could hear them shouting, "Come out! Come out!" I saw the lights from their flashlights. I decided to come out of the closet when they said they were going to get a dog and I didn't want to get bitten by the dog.

As soon as I came out of the closet, the officer was right there and "boom." He shot me. I had my lighter in my hand. The officer shot me because he was afraid.

My ex-girlfriend is [REDACTED]. We've had a couple of domestic arguments in the past. I've verbally assaulted her. I haven't talked or seen her since April 26<sup>th</sup>. She doesn't have a phone. We both have Facebook accounts (user names are their names).

I do wish I had seen [REDACTED] today. I wanted to know what I did wrong in the relationship. I just try to move on, but it's so hard.

No, I haven't stalked [REDACTED]. I don't know if she has a restraining order against me.

I haven't owned a gun since I was a teenager.

I got out of jail for the domestic violence against [REDACTED] on 5/2/17. We hung out that day. We had a disagreement that day because I suspected she had cheated on me while I was in jail. She didn't say anything. I am pretty sure she was cheating on me because she didn't show at my court hearing.

END OF STATEMENT.  
CI D.HALL #57