



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: April 13, 2020

TO: Supervising Deputy District Attorney C. Gonzalez

FROM: Criminal Investigators, Annette Fucles #24 and Jay Czajkowski #55

SUBJECT: Officer involved shooting SPD case #20-109783
(SUSPECT: Malcolm Xavier Wilcox, DOB: 3/15/93, xref: 4241621-stable condition at Kaiser South)

Criminal Investigator A. Fucles:

NOTIFICATION

On 4/11/2020 at 1750 hours, CI Jay Czajkowski and I received notification from Chief Jeff Schiele, Sacramento County District Attorney's Office regarding an officer involved shooting that occurred in the city of Sacramento at 1638 hours. We responded to the command post set up in the parking lot of 7421 W. Stockton Boulevard.

BRIEFING

The briefing, led by Sacramento Police Department (SPD) Lieutenant B. Kaneyuki #4108, began at 1716 hours. Lt. Kaneyuki provided the following information for SPD Report #20-109783: SPD received information from Marysville Police Department regarding a Ramey warrant for suspect Malcom Xavier Wilcox for Penal Code violations 664/187 Attempted Murder, 245(a) Assault with Deadly Weapon, and 459 Burglary. At 1538 hours, Sergeant Rath was notified by Officer C. Lawrence that a subject fitting the description of Wilcox, described a male Black adult with dreadlocks, entered residence at [REDACTED] Sacramento. In addition, a red vehicle associated to Wilcox was parked outside of the residence. Wilcox exited [REDACTED] and entered a silver Chevy Impala (license plate [REDACTED] and drove away toward W. Stockton Boulevard, at which time Officer Lawrence followed. Suspect Wilcox entered the shopping center at 7421 W. Stockton and drove toward the gas pumps (West of shopping center entrance). Suspect Wilcox abruptly made a U-turn at the gas pumps and drove in a Northwest direction through an aisle in the parking lot, as Officer Lawrence attempted to complete a traffic stop at 1638 hours. At 1638 hours, Suspect Wilcox suddenly stopped and exited his vehicle and fired gunshots at the officers. At 1639, a "shots fired" call went out over the radio. As suspect Wilcox sped away, North down the parking lot aisle, Officer Lundgren was behind Officer Lawrence in his patrol vehicle. Officer Lawrence and Officer Lundgren exchanged gunfire with suspect Wilcox.

Suspect Wilcox fell to the ground and both officers began giving Wilcox directions to roll away from the gun (later identified as a Ruger LCP .380). Additional officers arrived on scene and medical aid was rendered by Medic 7 to suspect Wilcox. Suspect Wilcox was transported to Kaiser South Sacramento with gunshot wounds to his right upper back and front right thigh.

Lt. Kaneyuki also stated that according to Marysville PD, suspect Wilcox may have been in possession of a .40 caliber handgun and was involved in a Penal Code violation 415 with his girlfriend. Suspect Wilcox is gang affiliated, but he is not currently on parole or probation. Suspect Wilcox residence is listed as [REDACTED] Sacramento.

Sergeant R. Trefethen #3012 provided the following public safety statement on behalf of Officer Lundgren: Officer Lundgren said he fired 20 rounds from his pistol while standing at his SUV police vehicle door, then fired one (1) round using Officer Lawrence's rifle. Officer Lundgren also believes Officer Lawrence fired at the suspect. The suspect (identified as Malcolm Xavier Wilcox) fired his weapon in a south direction. Officer Lundgren did not know of any witnesses and said there were no other outstanding suspects. Officer Lundgren said the suspect ran from his vehicle in a Northwest direction and was 50 yards away before collapsing. Officer Lundgren observed the suspect's firearm but left it in place.

Sergeant Rath #3006 provided the following public safety statement on behalf of Officer Lawrence: Officer Lawrence said he fired six (6) rounds from his pistol, through his windshield, while seated in his patrol vehicle at the suspect. Officer Lawrence said he fired another seven (7) rounds while standing in his driver's side door. Officer Lawrence believes Officer Lundgren was also firing his weapon. There are no other outstanding suspects. Officer Lawrence said the suspect fired a weapon in a southern direction at his patrol vehicle. Officer Lawrence said he was not aware of others around him. He did not locate a weapon to secure as evidence.

Sacramento PD interviewed 15 witnesses to the shooting. The witness accounts were consistent, and witnesses generally reported that they saw the suspect driving erratically through the shopping center parking lot. The suspect abruptly stopped, got out of the vehicle and began shooting at officers.

ROUND COUNT

On 4/11/2020, at 2155 hours, Sergeant Lambert conducted a round count of Officer Lawrence's weapons and magazines. Sgt. Lambert counted one (1) round in the chamber of Lawrence's department issued .556 rifle and 28 rounds in the inserted magazine. Sergeant Lunberg counted 30 rounds in the additional 30 round capacity magazine carried by Officer Lawrence.

Next, Sgt. Lambert counted rounds from Officer Lawrence's personal firearm (used on duty), a 9MM Glock, equipped with an attached tactical light. Sgt. Lambert counted one round in the chamber and two (2) rounds in the inserted 17 round capacity magazine. On Officer Lawrence's Sam Brown duty belt, he carried two 17 round capacity magazines, and both had 17 live rounds. Officer Lawrence's round count was concluded at 2211 hours.

On 4/11/2020, at 2219 hours, Sgt. Lambert conducted a round count of Officer Lundgren's weapons and magazines. Sgt. Lambert counted one (1) round in the chamber of Officer Lundgren's personal firearm (used on duty), a Glock 17, equipped with a tactical light. The inserted 19 round capacity extended magazine had 18 rounds in the magazine. Officer Lundgren had three (3) additional magazines; two (2) extended magazines with 19 round capacity on his Sam Brown duty belt and one 31 round capacity extended magazine carried on his vest with 31 live rounds.

Next, Sgt. Lambert counted 30 rounds in the 30-round capacity magazine inserted in Officer Lundgren's department issued rifle. Officer Lundgren's round count was concluded at 2238 hours.

WALKTHROUGH

At 2013 hours, Officer Masee conducted a walkthrough of the crime scene. Officer Masee showed us various bullet shell casings and markers, the position of the two patrol vehicles, the suspect vehicle; all of which were facing North in the parking lot. In addition, we observed a bystander vehicle (blue Sequoia SUV with a shattered rear window) in a parking stall facing West. All vehicles were located in the parking lot of 7421 W. Stockton Boulevard. Approximately, 50 yards away we observed where suspect Wilcox collapsed and was triaged before he was taken to Kaiser South Sacramento.

INTERVIEWS

Officer Connor Lawrence #267 - Sworn Officer for two years, currently assigned to patrol.

I was on duty and on patrol when I saw a bulletin for an armed and dangerous subject on my computer. Malcolm Wilcox had a Ramey warrant for an attempted murder from Marysville PD, with a possible local address on Jerich Court, and a vehicle description of a newer red sedan. While on my way to Jerich Court, I ran a premise history for the address and saw Wilcox had a prior 5150 hold. I also ran KPF and looked at a booking photo of Wilcox from 2017.

I drove on Village Star Drive perpendicular to Jerich Court. As I drove by Jerich Court, I observed several vehicles in front of the subjects' residence, along with a newer red sedan in the driveway. I did not drive onto Jerich Court. I parked on Village Star and notified dispatch and my Sergeant of my observations. I was parked and waiting for additional units to respond.

While parked on Village Star, I observed a silver Chevy Impala slowing pulling out of Jerich Court and onto Village Star driving away from me. The driver appeared to match the description of the subject. I observed the Impala make a U-turn on Village Star and was now slowly coming toward me. I still had the photo of Wilcox pulled up on my computer. I was concerned that he saw my unit and may want to shoot me as he drove by, so I unsnapped my holster. As he slowly drove by our drivers' side windows were just a few feet apart and we looked eye-to-eye at each other. I was able to confirm Wilcox was the driver of the silver Impala.

I followed the Impala, which was driving slowly and obeying all traffic laws, thru the neighborhood side streets and eventually turned left onto Calvine Road. I continued following the Impala while giving location updates on the radio. We turned left onto Bruceville Road then right onto W. Stockton Blvd. I was still waiting for additional backup units to arrive.

At this time, Wilcox pulled into the gas pumps at the FoodsCo parking lot and stopped. I was concerned that he was going to bail or run away, and I was not hearing any updates from the radio. I activated my emergency lights and was getting out of my patrol vehicle to make a felony vehicle stop. I could hear sirens in the distance but was uncertain when my backup would arrive. I was just getting out of my vehicle and standing at my door, when the Impala drove forward quickly made a U-turn around the gas pumps and was speeding away.

I pursued the Impala and we were speeding through the FoodsCo parking lot. Wilcox slammed on the brakes and the Impala came to a sudden stop. Wilcox immediately got out of his drivers' side door and grabbed a handgun from his waistband, pointed it directly at me and started shooting as he took several steps toward me. He was trying to kill me, and I was still in my vehicle. My only option was to return fire from inside my vehicle, so I shot about six times through my windshield toward him and he took off running. He continued shooting toward me as he was running away. I put out "shots fired" over the radio.

Wilcox had collapsed to the ground approximately 50 yards away, but still in the parking lot. I observed another SPD unit on-scene and we took cover behind a parked Toyota Sequoia. The Sequoia had two passengers, that I quickly pulled out. I called out for the rifle, and Officer Lundgren grabbed the rifle out of my vehicle.

Wilcox continued shooting at us from his laying position. I believe I heard Lundgren shoot one round from the rifle. Other SPD units arrived.

I could see Wilcox' gun on the ground next to him. I instructed him to roll away from the gun several times. He rolled over once but not far enough. I continued giving verbal commands to roll away from the gun, and finally he did. Once Wilcox' gun was out of his reach, several Officers used their shields to approach. Once he was handcuffed, I approached.

As I approached, I heard Wilcox say, "I refuse medical aid", "I want you guys to shoot me again", and "kill me".

I have never had any prior contacts with Wilcox, and I have never been to service call at his residence.

Officer Brandon Lundgren #970 - Sworn Officer for three and a half years, currently assigned to patrol.

On 4/11/2020, at 2350 hours, Officer Lundgren was interviewed by SPD Detective Brian Murawski at Sacramento Police Department Headquarters. Also present was Detective Sergeant Brian Kinney, and Attorney Sean Howell and his intern.

Officer Lundgren stated the following in summary:

Today, I was dressed in my standard police uniform, including a short sleeve shirt and an outer vest with police markings. Today, I began my shift at 2:30pm, in sector 5 South Sacramento. I was in a solo unit and Sergeant Rath was my supervisor.

I was on patrol at the intersection of Mack Road and Center Parkway when I was advised by Sergeant Rath via radio that Officer Lawrence was watching an attempted homicide suspect's vehicle. I messaged dispatch and advised I was in route when I heard Officer Lawrence air that a subject matching the description from Marysville PD was getting into a vehicle and he was planning to do a felony stop because the suspect was considered armed and dangerous. I responded code 3, lights and siren, down Center Parkway to W. Stockton Boulevard. As I approached, I deactivate my code 3 lights and siren at Bruceville Road and Cosumnes Boulevard, so I wouldn't alert the suspect. However, I heard Officer Lawrence say, "I'm committed" and I immediately reactivated my code 3 lights and siren. I turned North into the gas station. Officer Lawrence aired that the suspect was attempting to take off and I was behind him at this point.

As I was driving north into the parking lot, the suspect was traveling south, then made a U-turn and began going north into the parking lot. At this point I was behind Officer Lawrence. The suspect slammed his brakes in the middle of the parking lot. I pulled off to the left side of Officer Lawrence. I saw the suspect get out of his vehicle and face us, he put his hands in his pocket and pulled out a weapon and began shooting as he walked toward us. As the suspect was shooting, I was thinking he's going to kill my partner. I was standing in the wedge of my driver's side door returning fire. The suspect ran northwest through the parking lot, then turn around and point his weapon, so I continued to fire. The suspect collapsed about 50 yards away. I holstered my pistol because pistol on pistol at that distance isn't practical. Then saw two people in and SUV and I told them to run. I got Officer Lawrence's rifle because the cover was better from his vehicle and used the bystander's SUV as cover. The suspect continued to fire, then I fired one (1) round from the rifle at the suspect before he put his hands up. Then, I began giving the suspect verbal commands to move away from the gun. I know Officer Lawrence was also giving commands, but I don't know what he was saying. Another contact team arrived on scene and began giving the suspect commands. After the suspect was detained, I heard the suspect say something like, " I don't consent to your medical". Then, I met with Sergeant Rath who escorted me to a patrol car.

END REPORT