



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: 08/09/2017

TO: Tan Think
Supervising Deputy District Attorney

FROM: Investigator D. Schiele #29
Investigator P. Martinson #44

SUBJECT: SSD Officer Involved Shooting
Nolan Cornett xref # 4897327

NOTIFICATION:

07/19/2017 1715 hrs. Investigator Paul Martinson # 44 and I arrived at the Sacramento Sheriff's Department command post located at Fair Oaks and Sunset. The command post was set up in response to an officer involved shooting that occurred 1602 hrs. in the area of [REDACTED] Fair Oaks Blvd.

BRIEFING:

At approx. 1750 hrs. a debriefing occurred in the parking lot of the command post. None of the officers involved in the shooting were present at the debriefing. Deputy Daniel Caramelo #518 began the briefing by providing the history of the call. Caramel advised the following in summary:

Sheriff's dispatch center received a call transfer from CHP dispatch. The caller (later id'ed as [REDACTED]) advised that her son was at her location and could be heard yelling in the background he is going to "fucking kill everyone in the house". The male could also be overheard saying, "I'm like a fucking navy seal you better figure this shit out that better have been a prank call". The caller advised her son name is Nolan Cornett 07/21/1992 and that he was suicidal. The radio call listed Cornett's Xref of 4897327, and listed him as a male white, 5 feet 11 inches tall, weighing 157 lbs. There was some indication that Cornett had left the scene, but that was unconfirmed.

At 1558 hrs. the radio call indicated that Cornett had returned and the caller was locking herself in the garage. The caller indicated that Cornett is talking about a gun but she has not seen one. At 1601 hrs. Deputy Wanner advised he was enroute code 3. At 1602 hrs. Deputy Wanner advised he was on scene with the suspect and shots were fired. At 1602 hrs the call was updated to show the caller advised the subject was in front of the house

with a gun. At 1612 hrs. The radio call was updated to show fire and ambulance were on scene, and at 1615 hrs. the call indicated the suspect was deceased.

Deputy Dick Mah #1381 then continued the briefing. Mah stated the following in summary:

I heard the radio call come out and I was responding to the scene. I arrived at about 1603 hrs. I had my ICC on for the entire event. The incident had already occurred when I arrived. I focused my attention on the suspect who was down. I could see he was still breathing and a small handgun was near him. I approached and handcuffed him and we began CPR. I noted several shell casings in the area. I made sure the shooting was confined to the scene and no one else was hurt.

Deputy Joseph McMahon # 200 stated the following in summary:

I responded to the radio call and by the time I arrived the incident was over. I did locate several witness in the area who witnessed the shooting. Two of the witness are AT&T employees, one of which saw the suspect actually fire his weapon prior to the officers returning fire, another witness saw the suspect point something at the officers, then they fired, one heard a small pop followed more gunshots. I have identified the witnesses and have taken preliminary statements from them. I believe they are going to be transported to the station for interviews.

Involved in the shooting were:

- Deputy Joshua Wanner #1087 Sacramento Sheriff Department
- Officer Taylor Magaziner #135 Fulton - El Camino Park District Police Department

SCENE WALKTHROUGH:

A scene walk through was conducted at approx. 1845 hrs. The scene is located at [REDACTED] Fair Oaks Blvd. The 11000 block of Fair Oaks is residential with homes and duplexes lining the street, the roadway has two lanes, one lane in each direction, separated by a painted solid yellow double lane marker. Sidewalks are on both sides of the street, and space is available for cars to park along the road way.

One Sacramento County Sheriff's vehicle (Deputy Wanner's vehicle) was parked in the road way facing in a southern direction. The vehicle was a clearly marked black/white SSD patrol SUV equipped with standard SSD logos and overhead red/blue lights. This vehicle was equipped with an ICC.

Directly behind and offset slightly to the west was a clearly marked Fulton-El Camino Park District Police Department vehicle equipped with red/blue overhead emergency lighting. This vehicle was not ICC equipped. (Officer Magaziner's vehicle).

On the ground directly to the east of the SSD SUV, just outside the driver's door, was a yellow Taser, it appeared to be deployed, as wires were hanging from the weapon. (Later found out to not be deployed, the cartridge broke open when the Taser impacted the ground)

The deceased was on the ground in the road way just to the west of the SSD SUV and just south of the Fulton-El Camino Park District Police Department vehicle. The deceased was hand cuffed with his hands in front. Directly to the south/west of the deceased approx. 3-5 feet away was a

small light colored metal revolver. Several shell casing could be observed to the north of the deceased.

INTERVIEWS:

WITNESS: SSD Deputy Joshua Wanner

On 07/19/2017, at approximately 2020 hrs, Deputy Wanner was interviewed by SSD Homicide detectives in an interview room at the SSD homicide office. Wanner was interviewed by Det. Prokopchuk and Det. Persson. Also present in the room was a lawyer from Mastagni Law firm, representing Dep. Wanner. The interview was observed from a monitor in another room. The following is a summary of Dep. Wanner's statement:

I was hired by SSD as an on-call deputy, April 2013. I was promoted to a full time deputy April 2014. I started working patrol, July 2016. I work swing shift from 1400 to 2400 hrs.

The call came out as a CHP 911 transfer. I saw on my computer the complainant's son had threatened to kill her. Her son had a mental health issue. The subject had mentioned he had a gun but none was seen. The son had left and the complainant was barricading herself in the garage of the house. I did a computer check for previous calls to the address and found one. I searched the Known Persons File and located a photo of the suspect.

When I arrived on-scene, I saw that Officer Magaziner, of the Fair Oaks Park Police, had pulled up behind me. I saw a man matching the suspect's description on the east side of the street and walking toward my car. He approached my car with his hands in his pockets. I ordered him to take his hands out of his pockets. He refused to do so.

I un-holstered my handgun and ordered the suspect to take his hands out of his pockets. The suspect stated, "Fuckin shoot me!" I then re-holstered my gun and took out my Taser. The suspect pulled his hands from his pockets and I heard a gunshot. I saw he had a gun in his right hand and that he had shot at me. I drew my gun from the holster and fired five to six rounds at him. I voiced over the radio, "Shots fired!" The suspect moved to the passenger side of my vehicle and fell to the ground.

I was absolutely scared and in fear for my life when I saw the suspect shoot at me. The suspect was facing me when he shot. I was out in the open with no cover. He had taken the gun out of his right pants pocket. He punched the gun forward and shot. I was approximately six to eight feet from the suspect when shots were exchanged.

I had moved to the front of my vehicle. I saw where Ofc. Magaziner was positioned and was concerned about a cross fire. I walked to the back of the patrol vehicles and Ofc. Magaziner and I approached the suspect together. I later got a good look at the gun when it was on the ground by the suspect. I saw it was a small silver colored handgun. I didn't realize it was a gun until it was fired. I ordered the suspect to roll over. He didn't comply. Dep. Mah arrived on-scene. He went up to the suspect and handcuffed him. The suspect was still breathing at that time. I was applying pressure to his wounds. He stopped breathing and I started CPR.

I gave a public safety statement to Sgt. Jarvis.

I carry a department issued gun. It's a Glock 17, 9mm handgun. Each of the magazines holds 17 rounds. I don't carry a backup gun.

(When inspected by the homicide detectives, there was one round chambered in the gun and 11 rounds in the magazine inserted in the gun. Each of the two spare magazines contained 17 rounds each.)

WITNESS: Fulton-El Camino Park District Police Taylor Magaziner

On 07/19/2017, at approximately 2125 hrs. Officer Magaziner was interviewed by SSD Homicide detectives in an interview room at the SSD homicide office. Magaziner was interviewed by SSD Detectives Prokopchuk and Persson. Also present in the room was a lawyer from Mastagni Law firm, representing Officer Magaziner. The interview was observed from a monitor in another room. The following is a summary of Officer Magaziner's statement:

I work for the Fulton-El Camino Park District as a police officer. I have worked as police officer since 2014. I work in full police uniform and drive a distinctly marked police vehicle.

I heard the radio call come out and was in the area, so I asked Sheriff's dispatch if they needed my assistance. I was put on the call and knew Josh (Officer Wanner) was responding as well. I stayed in the area until I knew Josh was close. The call was about a guy claiming to be a navy seal that was talking about shooting his mom. The call indicated that the subject had left. I saw that Josh had attached the guy's picture to the call, so I looked at the picture. The call was updated that the mom had locked herself in the garage and I thought she was in some type of imminent danger.

As I got close to the address, I saw Josh driving on Fair Oaks just in front of me. I saw Josh bring his car to a stop. I could see the suspect walking across the street in front of Josh's car. I saw Josh get out of his car and draw his gun out of its holster, then I saw him putting his gun back into its holster, Josh was walking to the front of his car, and I heard one gun shot, one pop, I saw Josh draw his gun again and start to fire at the suspect. Josh was firing over the hood of his car. As I got out of my car, the guy turned towards me, and I could see a shiny object in his hand, he was coming up at me with it, and I thought he was going to shoot me, so I shot at him 4-5 times. I felt like I was going to get shot. I shot at him until he started to go down, then I moved behind a telephone pole for cover. I was giving him commands, but he was not responding, I could see he was alive, and there was a gun near his hand.

I did not see the guy shoot at Josh, but I heard it.

We approached the suspect, and I kicked the gun away from him and he was handcuffed. At first I felt a pulse, but then we lost the pulse and we did CPR until the medics arrived.

There is no question the first shot was fired by the suspect. It was a small caliber round. After the first pop I was fearful I'd be shot.

When I was driving up to the scene, I did see people in the area. There was someone on the east side of the street.

I never had time to give commands, but I could hear conversation, I knew Josh was giving direction to the suspect.

The gun was a small revolver, maybe like 3-4 inches with a cylinder, like a 22 caliber.

When the guy shot at Josh, he was maybe 6-8 feet away, with his hand extended, like 4-5 feet away.

I carry a Glock 19 9mm hand gun. It has a capacity of 16.

(When inspected by the homicide detectives, there was one round chambered in the gun and 10 rounds in the magazine inserted in the gun. Each of the two spare magazines contained 15 rounds each.)

OTHER WITNESS INTERVIEWS:

Witness interviews were on going or concluded by SSD personnel prior to our arrival as a result were not viewed or monitored in their entirety.