



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** October 6, 2019

**TO:** Supervising Deputy District Attorney Chuck Gonzalez

**FROM:** Criminal Investigators Steve Glen #31 and Diane Hall #57

**SUBJECT:** Officer involved shooting (SSD 19-357898)  
SSD Deputy David Cuneo #14  
Deceased: HOLLEY, Maurice (XREF: 5241464)

## NOTIFICATION

On 10-06-2019, (Sunday) at approx. 1513 hours, Sacramento County District Attorney Investigator Lieutenant Laura Gracia called Investigators Glen and Hall notifying them to respond to an officer involved shooting that had occurred near ██████ Bennett Rd. in Sacramento County. Investigators Glen and Hall responded to that location arriving at approximately 1636 hours.

## BRIEFING

A briefing was conducted at approximately 1720 hours wherein each Deputy who arrived at the scene provided a brief description of their actions once they arrived.

## WALKTHROUGH

Sacramento Sheriff Homicide Detective Rob Peters provided a brief verbal scene description. Deputy Peters advised the body of the suspect was lying in the ditch several feet southeast of the front of Deputy Cuneo's patrol vehicle. (No actual walk through of the scene was conducted)

## INTERVIEW

Shortly after Detective Peters scene description we responded to the Sacramento Sheriff Department's Centralized Investigations Division to monitor the interview of Deputy Cuneo. Below is a brief summary of that interview.

## DEPUTY David CUNEO Badge #1418

Deputy Cuneo has 19 years on the department and is currently assigned to the Crisis Intervention Team (CIT) which responds to calls in the County with a mental health component. His training includes, but not limited to, crisis intervention, de-escalation and behavioral assessment training.

Deputy Cuneo was wearing an SSD uniform with visible patches/badge and driving a fully marked black and white patrol vehicle with a 360° In-Car Camera (ICC) which he activated upon arriving at the scene.

At approximately 1415 hours, Deputy Cuneo was dispatched to a call of a subject with weapons history who was trespassing on the caller's property. While en route, a second call came in reporting the same subject was passed out beside the roadway in a ditch.

Upon arriving at the scene, Deputy Cuneo saw the subject laying in the ditch not moving and he activated the vehicle's air-horn twice causing the subject to move. Deputy Cuneo parked his patrol vehicle facing east on Bennett Road and the subject was lying in the ditch on the south side of the roadway just east of the vehicle. Deputy Cuneo spoke with the subject from the front of his vehicle. Deputy Cuneo estimated the subject was approximately 7 to 10 feet away from him.

Deputy Cuneo asked the subject if he need any medical attention. The subject advised he did not. Deputy Cuneo asked the subject what his name was, and the subject verbally provided his name and date of birth. Deputy Cuneo described the subject's speech as deliberate and had appropriate responses. Deputy Cuneo added that the subject did tell him he was out there, "looking for his rabbit."

After the short verbal exchange (estimated 1 to 2 minutes), the subject then rolled onto his stomach and ignored several commands to stop. The subject then rolled back over and sat up with his arms up. While doing this, Deputy Cuneo observed a gun in the subject's left side waistband.

Before Deputy Cuneo could continue with any further commands, the subject dropped his left arm grabbing the gun in his waistband. Deputy Cuneo said he feared the subject was going to shoot and kill him. Deputy Cuneo fired his service handgun. As soon as the subject stopped moving, Deputy Cuneo said he reloaded. Deputy Cuneo determined that the subject did not have a pulse, handcuffed the subject and then made the appropriate notifications.

It was not until after the incident that Deputy Cuneo realized that the weapon was a "bb-gun." He also stated he did not recall having any prior contact with the subject.

(Per the round count conducted it was determined Deputy Cuneo fired (9) rounds from his department approved handgun).

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