



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** May 7, 2018

**TO:** Supervising Deputy District Attorney Tan Think

**FROM:** Criminal Investigators Chou Vang and Laura Chase

**SUBJECT:** Officer-Involved Shooting (EGPD-2018-2733)  
Nolberto LEON (XREF: 3961206)

**Criminal Investigator C. Vang:**

**Notification:**

**04/28/2018, 0526 hours, Saturday:** I was notified by Lieutenant Rich Allen via telephone regarding an officer-involved shooting with the Elk Grove Police Department (EGPD). Lt. Allen provided EGPD Detective Mark Bearor's (lead detective) contact information to me. I was to contact him and proceed with the call-out at the Elk Grove Police Department.

I contacted Criminal Investigator Laura Chase and we were to meet at the EGPD.

**Briefing:**

**04/28/2018, 0551 hours, Saturday:** I arrived at the Elk Grove Police Department, 8400 Laguna Palms Way, Elk Grove. I met with Det. Bearor and learned the following:

The OIS occurred on Saturday, 04/28/2018, at approximately 0258 hours on the 3<sup>rd</sup> floor of the Extended Stay America Hotel at 2201 Longport Court in Elk Grove. EGPD officers were initially called to the hotel regarding a disturbance call on the 3<sup>rd</sup> floor. Officers encountered the decedent (not identified at this time, later identified as Nolberto LEON) down an L-shaped hallway with a gun in his hand.

The officers attempted to get LEON to drop his gun, but he refused to comply after numerous attempts. Patrol Sergeant Greg Moore arrived on scene and assisted the officers on the 3<sup>rd</sup> floor. LEON, at some point, ended up pointing his gun at the officers; Sgt. Moore responded by firing two (2) rounds from his patrol rifle, striking LEON who fell onto the floor. LEON was later declared deceased by the fire department.

The briefing was unable to be completed by the patrol sergeant/watch commander because the shooting officer (Sgt. Greg Moore) was the patrol sergeant/watch commander.

At approximately 0630 hours, CI Chase and I observed Det. Bearor conduct a round count of Sgt. Moore's department issued firearms: Colt AR15 rifle and Glock 17 pistol.

**EGPD Officer involved in the shooting:**

Sgt. Greg Moore

**EGPD Detectives assigned:**

Det. Sgt. Ryan Elmore

Det. Mark Bearor

Det. Wes Beachdorph

**Scene observation/walk-through:**

**04/28/2018, 0710 hours, Saturday:** CI Chase and I met with EGPD detectives at the scene of the OIS, Extended Stay America Hotel, 2201 Longport Court. We conducted a walk-through of the scene at 0726 hours with EGPD detectives, Sgt. Moore, and his attorneys.

The decedent (LEON) was located on the 3<sup>rd</sup> floor, lying flat, chest-down, on the carpet between rooms 303 and 304, with his head pointed to the right toward room 304. His right arm was outstretched above his head to the right; a cell phone was lying next to his right hand. His left arm was bent toward his feet. His legs were bent at the knees with his feet pointed to his left.

I observed three (3) spent handgun cartridges to the right of the decedent's body and one (1) spent handgun cartridge to the left of his body. A fifth spent handgun cartridge was located approximately 10 feet away from the decedent's feet. CI Chase and I were not able to see the decedent's gun. We were advised by the detectives that the gun was covered by the decedent's body.

I observed two (2) spent rifle cartridges approximately 25 to 30 yards away from the decedent's feet, on the floor, by the bend of the L-shaped hallway. CI Chase and I returned to the Elk Grove Police Department after viewing the scene.

**04/28/2018, 0930 hours, Saturday:** CI Chase and I viewed the body-worn camera videos from two of the officers on scene at the shooting. The videos also recorded EGPD's radio traffic as well as audio from the scene. The videos showed the officers stacked behind a wall of the L-shaped hallway. The officers were not able to get full videos down the hallway at the decedent from their positions. Officers can be heard telling the decedent to "put the gun down" numerous times.

We see Sgt. Moore, armed with a rifle pointed down the hallway, position himself standing behind an officer, in the kneeling position behind a ballistic shield, who also had his rifle pointed down at the hallway. A third officer is behind Sgt. Moore and the kneeling officer. This third officer was giving verbal commands to the decedent.

At the approximate 0255 hours mark of the footage, we heard two gunshots out of the field of view of the officers' cameras. An officer is then heard saying that the decedent was pointing the gun at them. At the approximate 0258 hours mark, we see and hear Sgt. Moore fire off two rounds from his rifle at the direction of the decedent.

**Criminal Investigator L. Chase:**

**Officer Interview:**

**04/28/2018, 1107 hours, Saturday:** CI Vang and I monitored the interview of Sgt. Moore at the Elk Grove Police Department. The interview was conducted by Det. Mark Bearor and Det. Wes Beachdorff, in the presence of Sgt. Moore's legal representatives.

**SERGEANT. GREG MOORE (Police Officer -22 years)**

Sergeant. G. Moore has been employed by the Elk Grove Police Department for approx. 12 years, since the inception of the Elk Grove Police Department. Sergeant. Moore has been a sergeant for approximately a year and a half. Sergeant Moore has another 10 years of law enforcement experience at another department.

Sergeant Moore is also the SWAT Sergeant and a firearms instructor. He recently attended tactical rifle and pistol schools. He has attended several firearms training courses including training for high risk situations.

Sergeant Moore was working as the graveyard patrol supervisor, which is the "Boy" watch from 9pm – 7am. Sergeant Moore was on scene of a suicide call at the time the weapons call came out at the Extended Stay America Hotel. Sergeant Moore was close by and monitoring the call on his radio. He heard that the reporting party said that he had seen the subject with a gun. Sergeant Moore heard that officers were on scene and radio tones to keep the air clear. He left his current call and headed to the Extended Stay Hotel. Sergeant Moore heard officers who were on scene say that there was a shot fired. Sergeant Moore was concerned that the subject was shooting at officers and then responded C-3 to the scene. He heard officers on scene say that they were getting a bean bag shotgun.

Sergeant Moore arrived on scene. He went to the trunk of his vehicle to retrieve his SWAT rifle. While he was getting the rifle out of the trunk, Sergeant Moore heard a gunshot. He could not tell where the shot was coming from so he got behind his vehicle. He closed the trunk from the side and scanned the windows above to see if someone was shooting at him. Other officers told him to enter through the stairs by the lobby so he went up the stairs to the 3<sup>rd</sup> floor.

Sergeant Moore saw Officer Coleman with a rifle at the hallway corner. He saw Officers Aguirre and Gonzalez both with handguns. Sergeant Moore knew that the corner was poor cover because the walls were just made of sheet rock. Officers obtained the ballistic shield and put it in front of Officer Coleman. Sergeant Moore took a position with his rifle behind and over the top of Officer Coleman. His body was exposed from the naval upward. Officer Coleman's face and head were exposed. Sergeant Moore wanted two rifles on the suspect since he believed that he had just shot at officers.

The suspect was crawling away from officers trying to get to his feet and manipulate the handgun. Sergeant Moore took his safety off of his gun to be prepared to fire. The suspect was yelling that the Officers just needed to shoot him. Sergeant Moore said that the suspect was mumbling and

that he thought he was either high on drugs or drunk. Sergeant Moore said that there were hallway lights on the side walls, but that it was not too bright. He had a light on his rifle and other flashlights, but it was not bright. Sergeant Moore could see a semi-auto handgun in the suspect's right hand.

The suspect got to his feet and started to walk. He walked into a door on the left side and fumbled with the handle. Sergeant Moore was concerned that the suspect was going to get into a room and hurt someone. The suspect continued to walk away from Officers. He was stumbling and his pants were falling down. Officers continued to tell the subject to put the gun down. They told him numerous times to put the weapon down. They tried to change their tone to talk to the suspect and tell him that they just wanted to talk and help him out, but he still would not comply.

The suspect walked to the end of the hallway and turned to the left. He went out of sight for approximately 20-30 seconds. Sergeant Moore was preparing to make a plan to get a team together to contact him. At the time, Sergeant Moore believed that the suspect went into a hotel room. The suspect then came out and walked back and forth in the hallway. He was against the wall and would raise the gun, but not point it at officers. Sergeant Moore estimated that the subject was about 50 yards away at that time.

Sergeant Moore requested that Officer Skelton be the only officer to give commands. He tried to be calm with the suspect and tell him to drop the gun and comply, but that did not work. Officer Skelton would try to be forceful to gain compliance, but that was not working either. The suspect started to walk toward officers and was approximately 30 yards away.

Sergeant Moore didn't think that the Taser or the bean bag round were viable options. He did not want the suspect to be hit by the Taser or bean bag and flinch to cause him to shoot. They continued to tell the suspect to drop the weapon and comply, but nothing. They told him at least 75 times to drop the weapon.

Sergeant Moore had his finger on the trigger and the safety off because the suspect could easily raise the gun and shoot at officers. The suspect was slumped against the wall trying to manipulate the gun. The suspect had the gun pointed perpendicular to officers. Sergeant Moore then heard a shot. He did not know what direction the shot went because he did not see a muzzle flash. Sergeant Moore thought the shot was free and open and not a contact wound. He then heard a 2<sup>nd</sup> shot and was very concerned where the suspect was shooting. Sergeant Moore knew that guests usually occupy most rooms from his prior experience. He knew that many rooms house weekly and long term tenants.

Sergeant Moore saw the suspect holding the gun at his knees. An Officer said that he was pointing the gun at them, but Sergeant Moore didn't see that at the time. Sergeant Moore saw that the suspect was manipulating the gun. He saw that the suspect broke his wrist and started to bring the gun toward him and the other officers. Sergeant Moore thought that the suspect was going to shoot at them so he shot two rounds at the suspect.

The suspect fell onto the ground and Sergeant Moore could not see where the gun was. Since he could not see the gun he did not approach the suspect.

Sergeant Moore felt that if he did not shoot when he did that the suspect would have shot at them and injured them. He said that the suspect already showed a disregard for the safety of people in the hotel. Sergeant Moore was also concerned that the suspect was going to shoot an innocent child, mother or father.

Sergeant Moore shot two rounds from his Colt AR-15 Commando SWAT Rifle. It is capable of semi-automatic or full automatic mode. Sergeant Moore had the rifle in semi-automatic mode. The rifle was equipped with a Surefire light and a Steiner laser pointer. The rifle had a Red Dot optic mounted on it and it is sighted in at 50 yards.