



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: June 23, 2015

TO: Deputy District Attorney Tan. Think

FROM: Criminal Investigators Steve Glen #31 and Steve Wharton #22

SUBJECT: Officer involved shooting (CHPD 15-4966)
Eduardo Jesus REYES (Xref: 3293590) Deceased

Criminal Investigator S. Glen:

NOTIFICATION

On 6-22-15 (MONDAY) at 8:06 PM , I received a call from Citrus Heights PD Dispatch notifying me of an officer involved shooting and requested a Criminal Investigator respond. I notified Criminal Investigator Steve Wharton of the callout at 8:38 PM. I responded to the command post located at Greenback and San Juan Rd at 8:52 PM.

BRIEFING

A briefing was conducted at 11:19 PM at the Citrus Heights Police Department and I learned the following:

On 6-22-15 at approximately 7:30 PM Officer Crystal BEUCHNER arrived at [REDACTED] Greenback [REDACTED] to a report of a domestic violence call which was reported by the 14 year old daughter of the suspect. Shortly after arriving Officer BEUCHNER advised she was being shot at from the balcony of unit [REDACTED] and the shooter, later identified as Eduardo REYES, went back into the apartment and reloaded. Officers Kyle SHOBERG, Nate CULVER and Sgt. Jason BALDWIN arrived on scene and took positions to the west of the suspect apartment. Officers SHOBERG and CULVER were able to deploy their Patrol rifles. At this briefing many details of the shooting were not yet know. The suspect was subsequently struck from return fire of the officers. REYES fell to the ground at the base of the stairwell. Officers rendered aid and fire personel responded.

CHPD confirmed the following officers had fired their weapons: (Rounds counts approximate per Public Safety Statement)

1. CHPD Officer Crystal Buechner / pistol / 3 rounds
2. CHPD K9 Officer Kyle Shoberg / pistol 4 rounds / patrol rifle 8 to 9 rounds
3. CHPD Officer Nate Culver / patrol rifle 4 to 6 rounds
4. CHPD Sgt. Jason Baldwin / pistol 11 rounds

WALKTHROUGH

A walkthrough of the crime scene was conducted at 12:06 AM, 6-23-15. I observed on the south west corner of the building both pistol and rifle spent cartridges. These cartridges were located on the grass and in the roadway. Additionally at this location, I observed a pair of used black latex gloves on the grass.

On the South side of the complex just outside of unit #62 (Ground floor) I observed the body of suspect Eduardo REYES. His body was face up and covered with a yellow blanket. I observed a black semi-automatic handgun with a magazine in the magazine well and an empty magazine near his feet. The handgun had what appeared to be blood on it and the trigger guard of the pistol was broken. There appeared to be blood on the lower portion of the stair well leading to the upstairs units.

On the east side of the complex I observed two spent pistol casings on the south side of the roadway near carport #111 and a bullet on the north side of the roadway.

INTERVIEW(S)

On 6/24/2015 (WEDNESDAY) Investigator Wharton and I responded to the Citrus Heights Police Department to monitor the interviews of officers Nate CULVER, Sgt. Jason BALDWIN, Kyle SHOBERG and Crystal BUECHNER. (listed in order of the interviews)

OFFICER CULVER (Police Officer -8 yrs w/CHPD)

2:30 PM, I monitored Officer CULVER's interview and he stated the following:

Officer CULVER has been employed with the Citrus Heights Police Department since December 2007 and has no prior police employment. CULVER's service weapon is a Sig Sauer P226 .40 cal semi-automatic pistol and an AR Patrol rifle .223 caliber.

Officer CULVER stated he heard the broadcast of the Domestic Violence call and that a gun was involved. Officer CULVER responded code 3. Officer CULVER arrived on scene and observed 3 or 4 patrol vehicles on scene and heard over the radio the suspect was reloading. Officer CULVER said he deployed his Patrol rifle and took a position on the south west corner of the building. Officer CULVER said he heard what he thought were 1 or 2 rounds coming from the direction of the suspect. Officer CULVER said he heard Officer BUECHNER advise the suspect was coming down the stairs again and then observed the suspect in the stair well with a gun. The suspect was looking from side to side. Officer BUECHNER said the suspect pointed the gun at her and Officer CULVER observed the suspect raising the gun. Officer CULVER said he fired approximately 7 rounds at the suspect. Officer CULVER said the suspect began to walk in his direction and then observed the suspect fall to the ground at which point Officer CULVER said he heard Sgt. BALDWIN yell ceasefire. Officer CULVER saw Officer GORE perform CPR on the suspect.

Per Sgt. Wheaton Officer CULVER fired 14 rounds from his Patrol rifle.

SGT. BALDWIN (Police Officer -5 yrs LAPD 9 yrs CHPD)

2:54 PM, I monitored Sgt. BALDWIN's interview and he stated the following:

Sgt. BALDWIN has been employed with the Citrus Heights Police Department since October 31, 2006. Sgt BALDWIN was previously employed with the Los Angeles Police Department. Sgt. BALDWIN's service weapon is a SigSauer P226 .40 caliber semi-automatic pistol.

Sgt. BALDWIN stated he heard the radio broadcast and units responding code 3. Sgt. BALDWIN heard Officer BUECHNER advise units to enter from the south. Sgt. BALDWIN responded code 3 and upon arrival Sgt. BALDWIN heard Officer BUECHNER say over the radio she heard glass breaking and then reported the suspect was shooting out of the window. Sgt. BALDWIN said he heard one shot. Sgt BALDWIN took a position on the south west corner of the complex and then observed the suspect in the stairwell pointing a gun in the direction of the carport, where he believed Officer BUECHNER was. Sgt BALDWIN said he fired approximately three rounds at the suspect who then disappeared from his view. Sgt. BALDWIN then heard the suspect reloading and Officer BUECHNER advising the suspect was coming back down the stairs. Sgt BALDWIN observed the suspect focusing his attention in the direction of Officer BUECHNER. Sgt. BALDWIN fired several rounds at the suspect and saw the suspect fall to the ground. Sgt. BALDWIN said they approached the suspect and observed the gun was near the right hand of the suspect. Sgt. BALDWIN said he moved the gun away from the suspect.

Per Sgt. Wheaton Sgt BALDWIN fired 11 rounds from his handgun.

Criminal Investigator S. Wharton:

OFFICER SHOBERG (Police Officer -8 years CHPD)

Officer K. Shoberg has been employed by the Citrus Heights Police Department since 2006. He has no prior police employment. Officer Shoberg is currently assigned to the patrol division and is a K9-handler.

Officer Shoberg was not dispatched to the call for service, but responded once he heard an update that the suspect was retrieving a firearm. Officer Shoberg responded code-3 to the scene. As Officer Shoberg was arriving, he heard Officer Buechner update over the radio that she possibly heard a gunshot.

Officer Shoberg approached the apartment from the west on foot. Officer Shoberg observed the suspect come down from the stairwell with a pistol in his hand. The suspect had the pistol pointed towards the parking lot and was scanning from side to side. Officer Shoberg fired 2 rounds with his Sig Sauer P226 .40 caliber service weapon. The suspect fired one round towards Officer Shoberg.

Officer Shoberg took cover at the southwest corner of the building. Officer Shoberg looked around his cover but could no longer see the location of the suspect. The suspect reemerged from the stairwell and still had a pistol in his hands. Officer Shoberg fired one round at the suspect.

Concerned the suspect could escape or ambush officers from the rear of the apartment building, Officer Shoberg ran to the back of the building and determined the apartment and breezeway did not extend to the rear. Officer Shoberg returned to his patrol vehicle and retrieved his department issued AR-15 rifle.

Officer Shoberg returned to the southwest corner where he met with Sergeant Baldwin and Officer Culver. In order to get a better angle at the stairwell, Officer Shoberg worked his way east from behind the parked vehicles in the parking lot.

Officer Shoberg heard Officer Buechner advise via the radio that the suspect was coming down the stairwell and pointing the firearm at her. Officer Shoberg took a prone position next to a vehicle but could not yet see the suspect. As the suspect emerged, Officer Shoberg saw the suspect fire rounds towards Sergeant Baldwin's location. Officer Shoberg fired his rifle at the suspect approximately 7 times. The suspect fell to the ground on his back at the base of the stairwell. Officers approached, secured the firearm, and began rendering medical aid on the suspect while additional officers cleared the inside of the apartment.

Per Sergeant Wheaton, Officer Shoberg fired 3 rounds from his pistol, and 6 rounds from his rifle.

OFFICER BUECHNER (Police Officer -1 year CHPD)

Officer Buechner has been employed with the Citrus Heights Police Department since 2014. She was a reserve officer with CHPD since 2013. She has no other prior law enforcement experience.

Officer Buechner stated she was dispatched to a verbal disturbance between a husband and wife. While enroute, she heard dispatch advise the male was choking the female. Officer Buechner responded code-3 to the scene.

Officer Buechner arrived and was waved down by the 13 year daughter who was standing outside in front of the apartment. The child told her that her father said he was going to get his gun. While obtaining more details from the child, Officer Buechner heard what sounded like a gunshot and glass breaking inside the apartment. Officer Buechner took cover behind a vehicle in the parking lot. Officer Buechner heard another gunshot from inside the apartment.

Officer Buechner observed a heavy set Hispanic male wearing a white shirt come down the staircase with a pistol in his hand. Officer Buechner identified herself as the police and ordered the suspect to get on the ground. The suspect fired at least one shot at Officer Buechner. The suspect told Officer Buechner, "Bitch, come and get me", and fired again. Officer Buechner fired her Sig Sauer P226 .40 caliber service weapon 1-2 times at the suspect. The suspect went back upstairs. The suspect came back down the stairs with the pistol in his hand. Officer Buechner ordered the suspect to drop the gun. The suspect fired at Officer Buechner again. Officer Buechner fired back at the suspect 1-2 times.

Officer Buechner remained in her position and provided radio updates to responding officers. The suspect came down the stairs and pointed his gun at Officer Buechner. Officer Buechner observed officers fire at the suspect while he was at the second from the bottom step, incapacitating him.

Per Sergeant Wheaton, Officer Buechner fired 3 rounds from her pistol.