



# MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

**ANNE MARIE SCHUBERT**  
DISTRICT ATTORNEY

**DATE:** November 20, 2017

**TO:** Deputy District Attorney T. Think

**FROM:** Criminal Investigators A. Fucles #24 and B. DeDonder, #43

**SUBJECT:** Officer involved shooting (CHPD #17-9215)  
(SUSPECT Nickolas Russo, DOB 01/25/93) in-custody via hospital

**Criminal Investigator A. Fucles:**

## NOTIFICATION

On 11/19/17 at 0400 hours, CI Brian DeDonder and I received notification from the Citrus Heights Police Department's, Detective D. Bayer regarding an officer involved shooting in Citrus Heights. We responded to the Citrus Heights Police Department at 6315 Fountain Square Drive, Citrus Heights.

## BRIEFING

At about 0500, the briefing was held at the Citrus Heights Police Department, where Sergeant Jeremy Garrison led the briefing. The following information was provided: On 11/19/17, at 0243 hours, Sergeant Shaun Gualco advised dispatch that he contacted a pedestrian, (later identified as Nickolas Russo, DOB 01/25/93) at the Ranch Motel at 6621 Auburn Blvd, then requested a "step up in cover". At 0247, Sergeant Gualco, twice, initiated a shots fired radio call, then he requested medical aide. Sergeant Gualco was working his regular shift, which began at 2000 hours on 11/18/17.

During the pedestrian stop, suspect Russo began to flee from Sergeant Gualco toward Auburn Boulevard, heading in an easterly direction. Sergeant Gualco gave chase and fired shots from the sidewalk in front of the Ranch Motel parking lot, in a north easterly direction across Auburn Boulevard. A silver revolver was recovered at the scene. At this time, it is unknown if suspect Russo shot at Sergeant Gualco. At the time of briefing, it was unknown where the firearm was retrieved. During Sergeant Gualco's public safety statement, he advised that he shot six to seven rounds from his department issued weapon.

During the briefing, detectives provided a summary of an interview conducted with a female witness (later identified as [REDACTED] identity yet confirmed). [REDACTED] was in the vehicle with suspect Russo in the parking lot of Ranch Motel when suspect Russo was contacted by Sergeant Gualco. [REDACTED] remained on scene until officers arrived.

In summary, [REDACTED] stated that she has known Russo since she was about six years old (according to [REDACTED] she's 18 years old now). Russo contacted her and asked if she wanted to "hang out" at his motel and she agreed. He picked her up from [REDACTED] Manzanita Avenue and drove her to the motel. [REDACTED] said Russo had room #4 (#104) at the Ranch Motel; however, she never entered the room because Russo was contacted by the police when they parked. Russo said she did not see anyone else go in or out of the room when they arrived. At the time Russo picked her up, he seemed "high" on something. [REDACTED] did not see Russo with a gun but heard from other people that he may have a gun. [REDACTED] recalled that Russo was moving something under his driver's seat as if to hide it, but she did not see the object. [REDACTED] did see him place a meth pipe into the center console of the vehicle (later identified as a Mercedes). [REDACTED] said the officer (Sergeant Gualco) first contacted her then contacted Russo. [REDACTED] noted that Russo was "acting suspicious". Russo got out of the car and placed his hands on his head while the officer searched him. Next she saw Russo push the officer, then run. She did not see them once they ran around the building. Next [REDACTED] said she heard the gun shots.

Suspect Russo is on active parole until 2022 and formal searchable probation.

Sergeant Gualco's interview is scheduled for Tuesday, November 21, 2017 at 9:00AM at the Citrus Heights Police Department.

#### ROUND COUNT

On 11/19/17 at 0536, Sergeant Gualco's round count at Citrus Heights Police Department was conducted. Sergeant Gualco is issued a .40 caliber Glock department weapon. Sergeant Gualco had three (3) magazines, each with a 15 round capacity. Two magazines had 15 rounds. The magazine in his department issued weapon had one round in the chamber and seven (7) in the magazine.

#### WALKTHROUGH

At 0607, we conducted a walkthrough of the crime scene. Sergeant Gualco showed us where he began firing his department weapon. We observed the parking lot of the Ranch Motel, then walked east on Auburn Boulevard toward 6233 Auburn Boulevard (Rosie's County Kitchen), finally arriving at a parking lot just east of 6233 Auburn Boulevard, where Suspect Russo was triaged by medical personnel.

Suspect Russo was transported by ambulance to Mercy San Juan Hospital.

#### INTERVIEW

##### SERGEANT SHAUN GUALCO

Sgt Shaun Gualco #270

On 11-21-17 at 0950 hrs, Sgt Gualco was interviewed by Sgt Garrison and Det. Bayer at the Citrus Heights Police Department Headquarters. Also present in the interview room was Sgt Gualco's attorney, Vance Piggott. CI DeDonder and CI Fucles monitored the interview in a private viewing room at the CHPD.

Sgt Gualco related the following in summary:

I began my career in law enforcement at the Lassen County Sheriff's office in 2002 where I worked as a deputy until 2008. In 2008 I began working for the Citrus Heights Police Department as a patrol officer. I then worked as a Detective for 5 years and promoted to Sergeant in 2016.

On 11-18-17 I began my shift at 1730 hrs. I was wearing my full duty patrol uniform and driving a marked Citrus Heights PD patrol SUV (Ford Explorer). I carry a department issued Glock .40 caliber handgun.

On 11-19-17 @ 0243 hrs I entered the Ranch Motel and observed a black colored Mercedes parked in front of room #104. The passenger door was open and I could see a female seated in the passengers seat and a male seated in the drivers seat. I could see a bag on the males lap and I believed that possibly a drug transaction was occurring.

I approached the male on the driver's side and began asking him questions. He seemed to be lying about his identity. He said he didn't have a room there at the motel and then later said that he did. He said he did not have I.D and verbally identified himself as Michael Smith. He was hesitant to give me his birthdate. He said he was not on probation or parole. He said he did not own the Mercedes. I observed tattoos on his neck and face. One of the tattoos on his neck was of a King, so I thought he was possibly a member of the Latin Kings which is a violent prison gang. He seemed bug eyed and nervous, possibly under the influence of meth or marijuana. I could see a stack of money on the ashtray of the vehicle. The female verbally identified herself as [REDACTED]

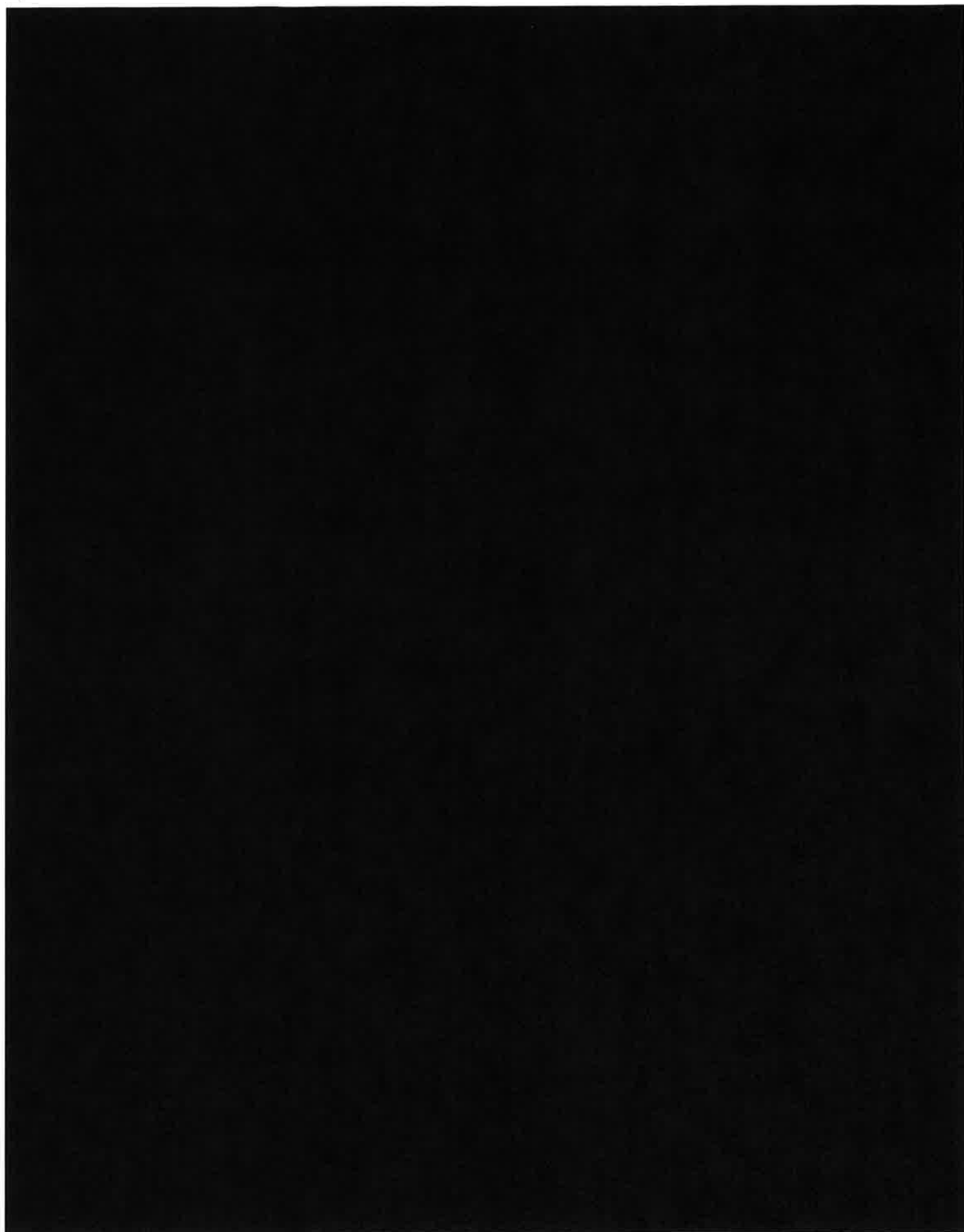
I notified dispatch that I was out at the Ranch.

I noticed that the suspect was shielding his left side and I felt that he may be trying to hide something from me. He wasn't facing me when I spoke to him, which I felt was suspicious. It was like he didn't want me to see his left side. He was holding in his left hand a cell phone, some marijuana, and a phone charger. I told him to put it up on the car. As he was facing the car I began to put him into a standing modified control hold in order to pat him down for weapons. He was compliant but was not really following my directions with interlacing his fingers behind his head. I began patting down his right side and didn't feel anything that resembled a weapon. When I patted down the left side of his coat I felt what I immediately recognized to be a gun. I could feel the outline of the trigger well and knew it was a gun in his coat. I asked him why he didn't tell me that he had a gun on him and he just sort of mumbled that he "didn't know". I requested via radio for my cover unit to step it up. I didn't want to do anything to excite the situation so I didn't ask for code 3 cover. I tried to reach into his coat to secure the gun but I was unable to figure out how to get my hand into the jacket so that I could secure the gun. I decided to just go ahead and handcuff the suspect. I put the suspect's left hand in a twist lock behind his back and I told him to leave his right hand up by his head. He brought his hand down a little bit and when I instructed him to put it back up to his head he did. He was wearing a somewhat thick coat and gloves so I was having a hard time getting the cuff to go around his wrist. I think this is when he decided to make a break for it. He spun to his right side and began running away from me and I chased after him. He ran out onto Auburn Blvd and ran towards Rosie's Café.

As he was running he appeared to be reaching into his coat where I knew he had the gun. I felt that he was trying to get some distance on me so that he could retrieve his gun and shoot and kill me; I feared for my life. I fired seven (7) times as I was running after him. I was probably 15 feet away from him as I shot at him. This first volley of gunshots did not seem to have any effect on him and he continued to run towards Rosie's Café. He still had his hands in his coat pocket area so I took one more shot at him when I was about 20 feet away from him and he dropped in the parking lot area of Rosie's Café. I immediately requested medical for him and put out "shots fired" on the radio. He was yelling at me that I shot him in the back. I got him to roll over and put hand cuffs on him.

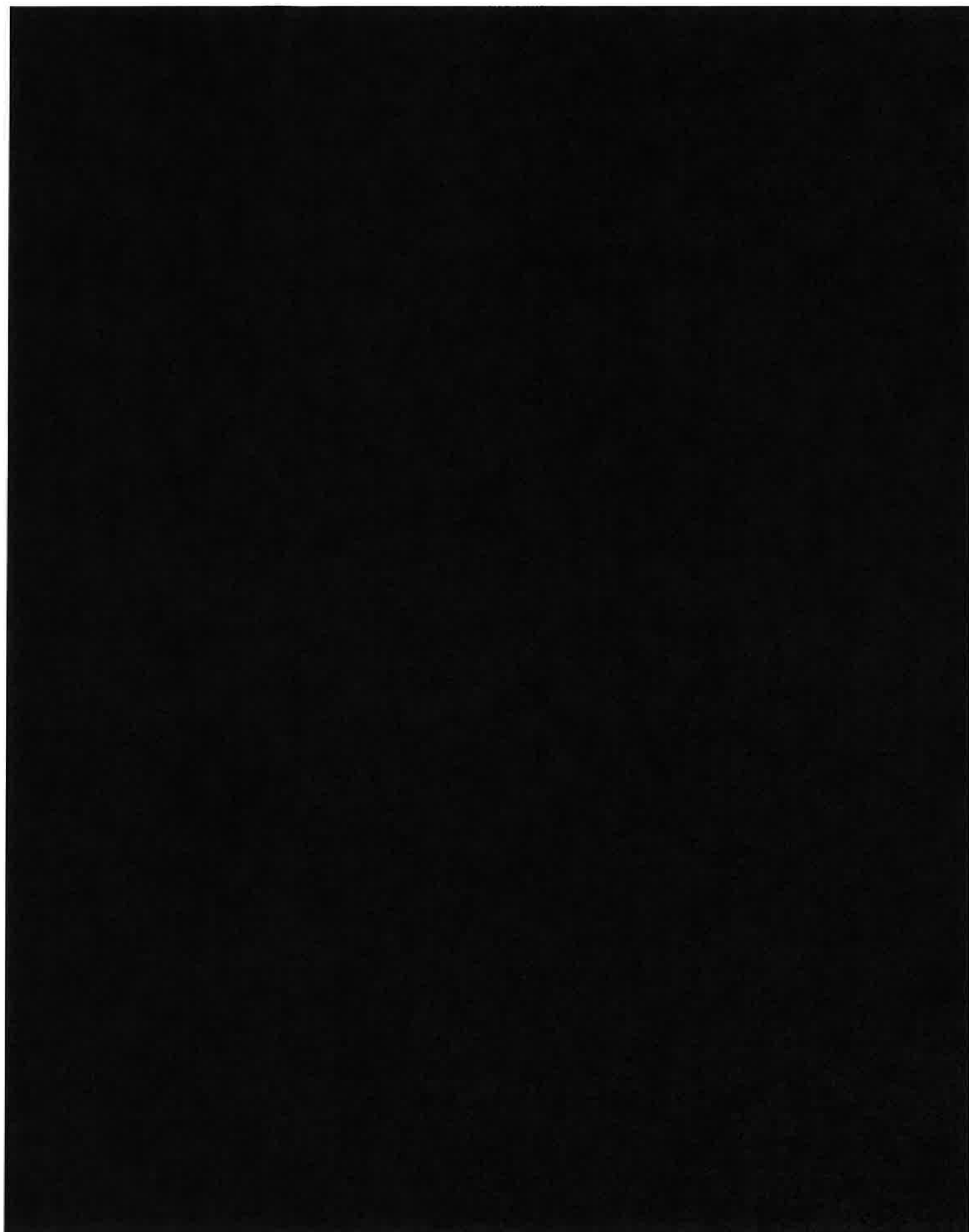
When he was running away from me he was not running with his arms down like you would normally run. His hands were in the area where I had felt the gun.

Officer Boger arrived within a minute and ended up retrieving a chrome colored revolver with a black handle from the suspect's jacket. I went back over to the car to detain the female.



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