



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Stephen J. Grippi
Chief Deputy

Jeff Schiele
Chief Investigator

April 30, 2019

TO: Supervising Deputy District Attorney Tan Think
FROM: Criminal Investigators Steve Trojanowski and Kevin Papineau
SUBJECT: Officer Involved Shooting (EGPD #19-002821)
Lester Tucker DOB: 08/17/1977 (X-Ref #3356728)

NOTIFICATION:

April 21, 2019 at 0300 hours (Sunday), Investigators Steven Trojanowski and Kevin Papineau were advised of an Officer Involved Shooting in Elk Grove involving two Elk Grove Police Officers and one suspect. We responded to the Elk Grove Police Department Headquarters at 8400 Laguna Palms Way in Elk Grove.

BRIEFING:

The following is a summary of the briefing by Elk Grove Police Detectives:

On April 20, 2019, at approximately 2320 hours the Elk Grove Police Department received a call from an anonymous female reporting the possible burglary of a travel trailer on Tegan Road west of Franklin Blvd. The caller said a Black or Hispanic male and a white female were seen at the trailer and the male was shaking the door handles like he was trying to get into the trailer. The caller also said she saw the male take a gun from his pants pocket and put it in the pocket of the gray hoodie sweatshirt he was wearing.

Officer Mousa Abedrabbo arrived on scene first and contacted both the male and the female near the trailer and a gray vehicle. Officer Abedrabbo directed both subjects to sit on the curb and began attempting to identify them. The male, later identified as Lester Tucker, stood up, bent down and kissed the female, and then ran south from Tegan Road through the shopping center on the north-west corner of Laguna Blvd and Franklin Blvd.

Officer Abedrabbo chased Tucker on foot and K-9 handler Officer Jason Miller arrived on scene. Officer Miller entered the shopping center in his patrol vehicle and passed Officer Abedrabbo as Tucker turned west in front of a row of businesses. Officer Miller passed and cut off Tucker's

path with his patrol vehicle coming to rest facing north toward the row of businesses. Tucker ran toward the rear of the patrol vehicle and Officer Miller exited, then went toward the rear of the patrol vehicle as well. Officer Miller directed Tucker to show his hands near the rear of the patrol vehicle. Tucker did not comply and advanced toward Officer Miller at which time Officer Miller fired at him. Officer Abedrabbo arrived in the immediate area of Tucker simultaneously and fired at Tucker as well. Tucker was struck and fell to the ground. Both officers Miller and Abedrabbo were struck in the lower legs by projectiles.

Tucker was handcuffed and found to be in possession of a full size, loaded, 9mm semi-automatic pistol inside the front of his shirt. Tucker was transported to the hospital and was reported to be in surgery at the time of our briefing. Officers Miller and Abedrabbo were transported to the hospital and had been treated for minor injuries and released. Both Miller and Abedrabbo were at the police department, accompanied by representatives, at the time of our briefing.

SCENE:

The location of the trailer and Officer Abedrabbo's initial contact with Tucker was on the south side of Tegan Road just west of Franklin Blvd. The south side of Tegan Road borders the shopping center and the north side of Tegan Road is lined with single family residences. There is no vehicle access to the shopping center from Tegan Rd. The entrances to the shopping center are on Laguna Blvd on the south and Franklin Blvd on the east. The west edge of the shopping center is bordered by the back yard of single family residences.

The location of the shooting was approximately 400 feet south of Tegan Road in front of the business located in 4805 Laguna Blvd #101 – 103. Officer Miller's patrol vehicle was parked facing north toward the building between suites 101 and 102. There was a pile of cut and bloody clothing on the ground approximately eight feet behind the patrol vehicle. There was a black ski mask on the ground near the passenger side of the patrol vehicle.

During the scene orientation walkthroughs Officer Miller indicated he had been near the rear of his vehicle and fired 5 or 6 rounds in an eastward direction at Tucker and Officer Abedrabbo indicated he had been east of the rear of Officer Miller's patrol vehicle and had fired west at Tucker.

There were 9mm shell casings marked by plastic evidence markers. There were five casings marked in the area generally south and west of the patrol vehicle and seven casings in the area generally south and west of the patrol vehicle. Investigators said the round counts of the officers' handguns and magazines indicated Officer Miller fired five rounds and Officer Abedrabbo fired seven rounds.

INTERVIEWS

On 04/23/2019 (Tuesday) Investigators Trojanowski and Papineau monitored the interviews of Officers Miller and Abedrabbo in the administration offices of the Elk Grove Police Department. Both officers were interviewed by Elk Grove Police Detective Bearor. Both officers were accompanied by Attorney [REDACTED]

Officer Jason Miller

Officer Miller has been employed with the Elk Grove Police Department since 2006 and has been assigned as a K-9 handler for a total of five years. Officer Miller was previously assigned as a SWAT officer for three years.

Officer Miller said he was dispatched, along with Officer Abedrabbo, to the call of the possible subjects breaking into a trailer in which the male suspect (described as Hispanic or Black and wearing a gray hoodie) wearing was seen moving a firearm from his pants pocket to his sweatshirt pocket. The call also said the suspects were associated with a gray vehicle.

Officer Miller said that while he was responding he saw a gray vehicle driven by a Hispanic male in a gray hoodie which he followed and stopped. The vehicle was unrelated and Officer Miller continued to the call.

Officer Miller said Officer Abedrabbo arrived first at the call and he responded Code 3 to the call because Officer Abedrabbo was on scene with an armed suspect. He said as he arrived Officer Abedrabbo said the suspect was running south so he drove into the Walgreens parking lot from Franklin Blvd and saw Officer Abedrabbo pursuing the suspect south on foot. Officer Miller said he passed Officer Abedrabbo and attempted to get his vehicle in position to deploy his K-9 partner.

Officer Miller said the suspect was running with one arm swinging free and one arm held into the front of his body. He said he believed this indicated the suspect was still carrying the firearm and had not discarded it. Officer Miller said that in his experience most suspects will discard their firearm if they are simply trying to escape and don't intend to use the firearm.

Officer Miller said the suspect turned west in front of the row of businesses where Little Caesar's Pizza is located. He noted that if the suspect continued running west he would get to an easily scalable wall into a residential neighborhood.

Officer Miller said he again attempted to position his vehicle to deploy his K-9 partner from the rear driver side door by turning his vehicle slightly northward. He said the suspect then abruptly turned back toward him with his hand down at his waist in the area of the pocket, where the caller described him putting the gun, and he feared he would be able to shoot him through his windshield or be able to go down the passenger side of his vehicle and be able to get behind him and shoot him. Officer Miller said to prevent this he turned right toward and hit the suspect with

his right front fender to distract and push the suspect off balance and allow him time to put the vehicle in park and get out of the vehicle.

Officer Miller said he got out and went to the rear of his vehicle where the suspect was coming around the opposite side and came toward him rather than fleeing from him. He said the suspect was reaching in his sweatshirt pocket with his left hand and had a phone in his right hand. He said he commanded the suspect to show his hands but he didn't comply so he fired five or six shots. He said he saw Officer Abedrabbo coming so he fired low at the suspect to avoid hitting Officer Abedrabbo.

Officer Miller said he backed behind his vehicle because Officer Abedrabbo had fired at the suspect as well. He said the suspect fell to the ground and he could not see the gun anywhere so he believed the suspect still had it or he was laying on top of it. He said he asked the suspect if he had a gun and he said no so he believed the suspect was concealing the gun and was still a threat. He said additional officers arrived and handcuffed the suspect and as he was coordinating additional responding resources he realized he had an injury to his right calf.

Officer Mousa Abedrabbo

Officer Abedrabbo has worked for the Elk Grove Police Department since December 23, 2018. Prior to Elk Grove PD he worked, as a sworn peace officer, for the Hayward Police Department for six years. Prior to Hayward PD he worked for the Twin Rivers Police Department for three years.

Officer Abedrabbo said he responded to the scene of the trailer on Tegan Road when Officer Miller said it appeared the vehicle he stopped was not related to the call. He said he arrived on scene turning west on Tegan Road from Franklin Blvd and found the two subjects and the gray vehicle were still there. He said his only options at that point was to contact the subjects because if he drove past he would put his back to them and they would potentially flee. He said he contacted the subjects and attempted to maintain a low-key contact with them while maintaining a position with available cover behind the gray vehicle and waiting for Officer Miller to arrive.

Officer Abedrabbo said he noted the male's front hoodie pocket was sagging consistent with the gun being in there so he told him to keep his hands out of his pockets. He said based on this observation and the initial call information, he believed the suspect was armed with a firearm. He said he also directed both subjects sit down on the curb.

Officer Abedrabbo said the male leaned over and gave the female a kiss and said something which led Officer Abedrabbo to believe the male was going to do something and potentially draw the gun and shoot him. He said he drew his handgun and pointed it at the male and the male stood and ran south into the strip mall parking lot.

Officer Abedrabbo said he re-holstered his handgun and pursued the male on foot, but didn't want to get too close to him since he had a gun. He said during the foot pursuit Officer Miller's patrol vehicle passed him and, after turning west, he saw Officer Miller cut in front of the suspect and the suspect ran into the patrol vehicle and fell. He said he again drew his handgun and pointed it at the suspect and ordered him to stay on the ground but the suspect did not

comply. He said the suspect was digging in his hoodie pocket, where the gun was, with his left hand and he believed he was going to attack Officer Miller.

Officer Abedrabbo said the suspect and Officer Miller were both moving to the rear of the patrol vehicle, and he was going to shoot but knew Officer Miller was behind the suspect. He said when Officer Miller and the suspect got to the rear of the vehicle he heard a shot and couldn't tell if it was the suspect shooting at Officer Miller or Officer Miller firing. He said he was aware of the crossfire situation but because he knew the suspect was armed and believed he was attacking Officer Miller he shot at the suspect. He said that based on his training he shot lower in order to mitigate the danger of the crossfire.

Officer Abedrabbo said after firing at the suspect he felt pain in his lower leg from being struck and fell. He said he then was able to get up and try to assist with rendering aid to the suspect after he had been handcuffed by other officers.