



MEMORANDUM

SACRAMENTO COUNTY DISTRICT ATTORNEY'S OFFICE

ANNE MARIE SCHUBERT
DISTRICT ATTORNEY

DATE: April 13, 2015

TO: Deputy District Attorney T. Think

FROM: Criminal Investigators A. Robinson #60 and S. Wharton #22

SUBJECT: Officer involved shooting (SSD 15-86347)
(DEF) Sonny James Benavides (Xref: 4372661)

Criminal Investigator A. Robinson:

NOTIFICATION

1345 hours, I received a telephone call from Sacramento County District Attorney's Office Supervising Criminal Investigator Lieutenant Laura Gracia. Lt. Gracia informed me that our office had received a request to respond to an officer involved shooting. I was told to respond to the command post for this incident which was located at [REDACTED] Watt Ave.

1355 hours, I received a call from Sacramento County District Attorney's Office Investigator Steve Wharton informing me that he would also be responding to the command post at [REDACTED] Watt Ave.

Approximately 1440 hours I arrived at the command post at [REDACTED] Watt Ave., the United States Post Office, which was set up in the parking lot at that location.

BRIEFING

1510 hours, a briefing was given regarding the officer involved shooting. Sacramento County Sheriff Deputies were dispatched to the 7/11 store located at the north/east corner of Elkhorn Blvd and Watt Ave. The call deputies were dispatched to involved a female being harassed by a male subject at the 7/11 store. When deputies arrived at the 7/11 store they observed a male subject that matched the description of the male subject who had been harassing the female. As deputies approached the 7/11 store to contact the male subject (later identified as defendant Sonny Benavides) he took off running on foot from the deputies in a south/west direction across both Watt Ave and Elkhorn Blvd. A foot pursuit ensued.

At one point during the foot pursuit a, yet unidentified citizen, attempted to delay and or stop Benavides as Benavides ran pass him in the parking lot of Popeye's Chicken located south of Elkhorn Blvd on the west side of Watt Ave. As Benavides ran past this unknown citizen Benavides fired one gunshot at the citizen. Benavides continued running from deputies until he arrived in a vacant field located south of Rite Aid located at [REDACTED] Watt Ave. As Benavides ran

through the vacant field a second citizen started to pursue Benavides on foot through the vacant field. As Benavides was running through the field Deputy Murphy arrived in his marked squad unit. Deputy Murphy took up a possession in the rear parking lot of the Second Slavic Baptist Church located at 6601 Watt Ave., which borders the south side of the vacant field. Deputy Murphy's observed Benavides running through the vacant lot in a southerly direction being pursued by a second unidentified citizen. Deputy Murphy observed Benavides fire a handgun at citizen. Deputy Murphy fired his duty weapon at Benavides hitting him causing Benavides to fall down. Fire and ambulance are requested and respond.

Benavides was hit once in the arm a through and through wound. Benavides was transported to the hospital for medical treatment. Benavides while at the hospital was being combative with medical personnel and on scene deputies.

WALKTHROUGH

After the briefing Investigator Wharton and I participated in an abbreviated walk through due to the distant of the foot pursuit path and the vacant lot where Benavides ran through being fenced off. The walk through took place in the rear parking lot (south/west corner of the vacant lot) of the Second Slavic Baptist Church where we were able to observe where Deputy Murphy was standing when he observed Benavides fire his handgun at the citizen and also the position from which Deputy Murphy fired his weapon at Benavides. Also we observed the location where a handgun was located where Benavides had been when he fired his handgun at the citizen.

Criminal Investigator S. Wharton:

INTERVIEW

CI Robinson and I responded to the Sacramento County Sheriff's Department Central Investigations Division to monitor Deputy Murphy's interview.

I learned Deputy Murphy has been employed as a deputy for 20 years and is a member of the Special Enforcement Detail (SWAT). Murphy's service weapon is a Glock 17 (9mm) semi-automatic pistol.

Deputy Murphy stated he was enroute to an unrelated call for service when he heard deputies in foot pursuit in the area of Watt Avenue at Elkhorn Boulevard. Murphy responded to the area in a marked SSD patrol vehicle with his emergency lights and siren activated.

Upon arriving in the area, Murphy saw citizens pointing to an open field just north of the Slavic church. As Murphy drove his patrol vehicle west through the Slavic church parking lot, he observed (DEF) Benavides running southbound through the field. It appeared to Murphy that (DEF) Benavides changed his direction to a more western direction upon seeing the patrol vehicle.

Murphy parked his patrol vehicle and took a position on foot near the southwest corner of the empty lot. Through a wrought iron fence separating the empty lot from the parking lot, Murphy was able to observe (DEF) Benavides as he continued running through the field. Murphy saw what appeared to be a citizen chasing (DEF) Benavides through the field. Murphy saw (DEF) Benavides stop running and focus his direction towards the citizen. Murphy saw the citizen raise

both hands straight up in the air while Benavides raised one arm towards the citizen. Murphy heard one gunshot.

(DEF) Benavides turned and continued running southwest through the field. Murphy could now see (DEF) Benavides had a firearm in his hand. Murphy stated (DEF) Benavides was running in the direction of what appeared to be a church employee working near a shed on the opposite side of the fence. Murphy stated he also knew there was at least one residence nearby to the west. As (DEF) Benavides attempted to climb the west fence, Deputy Murphy discharged his firearm one time. (DEF) Benavides was struck in the upper arm, causing him to fall to the ground and become incapacitated. Deputy Murphy held (DEF) Benavides at gunpoint until additional units arrived and took (DEF) Benavides into custody.