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Sacramento County District Attorney's Office

THIEN HO  
District Attorney

DATE: July 5, 2023

TO: Sheriff Jim Cooper  
Sacramento County Sheriff's Office  
4500 Auburn Boulevard  
Sacramento, CA 95841

Chief Brandon Luke  
Rancho Cordova Police Department  
2897 Kilgore Road  
Rancho Cordova, CA 95670

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer-Involved Shooting Case No. SSO-20-269838

Shooting Officers: SSO Dep. Eric Schmidt #185  
SSO Det. Neay Chhlang #1399  
RCPD Sgt. Gabriel Maggini #183

Persons Shot: Christopher Walker (DOB 2/16/1991)  
Betty Winn-Spirk (DOB 2/12/1962)  
SSO Dep. Eric Schmidt #185

The District Attorney's Office, as an independent agency, has completed its investigation and review of the above-referenced officer-involved shooting. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the shooting of Christopher Walker and Betty Winn-Spirk. For the reasons set forth, we conclude that the shooting was lawful.

The District Attorney's Office received and reviewed written reports and other documentary items. These items include Sacramento County Sheriff's Office Report 20-269838, video and audio recordings, dispatch calls, witness interviews, photographs, diagrams, evidence logs, Sacramento County District Attorney's Office Laboratory of Forensic Services reports, and the Sacramento County Coroner's Final Reports of Investigation.

## **FACTUAL SUMMARY**

At approximately 7:01 p.m. on August 22, 2020, Betty Winn-Spirk called 9-1-1 to report being threatened by a man with a gun inside her home at 169 Dutchess Way in the City of Rancho Cordova.

Ms. Winn-Spirk told the 9-1-1 dispatcher the subject pointed a gun at her in the kitchen and told her to leave the house. Ms. Winn-Spirk described the subject as “Chris.” She further described “Chris” as a black male adult, wearing a dark shirt, dark pants, and carrying a Glock 22 handgun.

Multiple law enforcement officers, including Rancho Cordova Police Department (RCPD) Sergeant Gabriel Maggini, Sacramento County Sheriff’s Office Detective Neay Chhlang, and Sheriff’s Office Deputies Eric Schmidt and Marshal Watts responded Code 3 in their marked patrol vehicles to the address.<sup>1</sup> The responding officers were dressed in full uniform with department badges on their chest and patches on their sleeves. The officers were each armed with a Glock 17 9mm handgun.

The mobile home at 169 Dutchess Way is located in the Centennial Estates Mobile Home Park in Rancho Cordova, and it is on the north side of Dutchess Way. A carport is located on the east side of the home. On the west side, a concrete walkway leads to an elevated wooden porch. A small, fenced-in backyard is on the north, rear side of the home. The mobile home trailer was approximately 55 feet long and approximately 22 feet wide. The narrow south end faced the street on Dutchess Way.

The responding officers met at the entrance to the mobile home park. They drove to the residence together and parked two houses to the west of 169 Dutchess. Due to the nature of the call, Deputy Schmidt and Deputy Chhlang both armed themselves with Colt M4 rifles. Sergeant Maggini armed himself with a less-lethal shotgun and a ballistic shield.

The text of the call stated that the complainant would be waiting outside the home. However, Ms. Winn-Spirk was not in front of the home when the officers arrived. Deputy Schmidt and Deputy Watts walked towards the east side of the mobile home to see if anyone was present in the carport.

At approximately 7:08 p.m., Deputy Schmidt saw a black male adult, later identified as Christopher Walker, standing in the carport. Walker matched the description of the subject who had reportedly pointed a gun at Ms. Winn-Spirk.

Deputy Schmidt pointed his rifle at Walker and ordered Walker to raise his hands. Walker initially complied with Deputy Schmidt’s command and raised his hands above his head. Walker then began to slowly lower his hands and began to look around. Deputy Schmidt interpreted this as an indication that Walker was looking for an avenue of escape.

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<sup>1</sup> Code 3 indicates to consider the call an emergency response and proceed immediately, including utilizing emergency lights and sirens as reasonably necessary.

Deputy Schmidt yelled to Walker, “Don’t do it!” However, Walker turned and ran northbound through the carport towards the backyard. Deputy Schmidt yelled to his partners that the subject was running. Detective Chhlang broadcasted that information over the radio.

As Deputies Schmidt and Watts walked east to check the carport, Sergeant Maggini had remained in front of the house. Sergeant Maggini heard Deputy Schmidt yelling commands for a subject to show his hands and saw Deputies Schmidt and Watts run northbound through the carport on the east side of 169 Dutchess.

Sergeant Maggini decided to remain on the west side of 169 Dutchess to form a perimeter around the home.

He heard Deputies Schmidt and Watts announce over the radio that the subject was running from them. Since the call stated that the subject was armed with a Glock handgun, Sergeant Maggini put down his less-lethal shotgun and drew his Glock 17 9mm handgun. He took a position facing north on the west side of 169 Dutchess.

Sergeant Maggini saw Walker appear at the far, northwest corner of the mobile home, approximately 55 feet away. Sergeant Maggini saw that Walker was holding a dark object with both hands in what Sergeant Maggini described as a “low ready” position.<sup>2</sup>

Sergeant Maggini saw that Walker momentarily disappeared from his view behind the mobile home. Walker then reappeared from the northwest corner of the mobile home and began firing gunshots towards Sergeant Maggini. Walker and Sergeant Maggini exchanged gunfire. As they did so, Sergeant Maggini was afraid Walker would shoot and kill him.

Additionally, Sergeant Maggini realized that Walker could have climbed over the fence at the rear of 169 Dutchess but chose not to do so. This decision made Sergeant Maggini fear that Walker’s intent was to “shoot it out” with officers.

Sergeant Maggini estimated that he fired approximately 10 rounds during this initial exchange. Walker then again disappeared from Sergeant Maggini’s view behind the northwest corner of the mobile home. When Walker disappeared from view, Sergeant Maggini remained on the west side of the home. He backed up to a safer position and inserted a fresh magazine into his handgun.

On the east side of the mobile home, Deputy Schmidt had not immediately followed Walker around the northeast corner of the mobile home into the backyard. Deputy Schmidt paused before turning the corner, and heard multiple rounds being fired on the west side of the home.

Detective Chhlang was also on the east side. He took a position of cover behind a tree.

Deputy Schmidt then turned the corner into the backyard from the carport. He saw Walker in front of him, approximately 15 feet away.

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<sup>2</sup> “Low ready position” is generally defined as holding a gun in a two-handed grip with arms extended, and the gun pointed lower than an intended target.

Deputy Schmidt heard gunfire and immediately felt a hard, burning pressure in his right upper thigh. He realized he had been shot.

From his position of cover, Detective Chhlang fired several shots from his rifle towards Walker in an effort to protect Deputy Schmidt.

At approximately 7:09 p.m., Deputy Schmidt announced, "Officer Down!" over the radio. He found he was unable to walk and fell to the ground. Deputy Schmidt was on the carport side of the corner. Walker was on the backyard side of the corner.

Deputy Schmidt was afraid that Walker would round the corner into the carport and "finish him off," so Deputy Schmidt kept his rifle pointed towards the northeast corner.

Deputy Schmidt saw Walker approaching him around the corner. Walker was approximately 10 feet away. Deputy Schmidt feared Walker was going to kill him. Therefore, Deputy Schmidt fired several rounds towards Walker with his rifle.

Detective Chhlang saw that Walker held his gun with both hands in a shooting position, so Detective Chhlang also fired several rounds at Walker. Walker again disappeared from view behind the corner of the mobile home.

Deputy Schmidt turned and began to crawl away from the corner. Deputy Watts and RCPD Lieutenant Orlando Mayes helped Deputy Schmidt away from the carport.

Deputy Schmidt was bleeding excessively from his leg. Officers applied a tourniquet to Deputy Schmidt's thigh and placed him into a patrol vehicle for immediate transportation to a hospital.

Sergeant Maggini had remained on the west side of the mobile home. He heard shots being fired to the east of the home and heard the announcement, "Officer Down!"

Sergeant Maggini again saw Walker appear by the northwest corner. Both Walker and Sergeant Maggini fired their weapons. It is not clear who fired first.

Walker again retreated behind the northwest corner.

At approximately 7:10 p.m., Detective Chhlang announced over the radio that shots were still being fired. It was not clear who fired the final shots.

Sergeant Maggini held his position on the west side of the home. As he did so, two women, later identified as Sara Frazee and Anjelica Byrd, came out of the home and told him that a woman had been shot in the face.<sup>3</sup>

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<sup>3</sup> It was later determined that Sara Frazee was Walker's grandmother. Anjelica Byrd was Walker's friend.

Sergeant Maggini could not see the victim who had been shot. He directed both women to go back inside.

A Sheriff's Office helicopter observed Walker lying on the ground in the backyard. The helicopter also observed an injured female outside the front door on the west side porch of the mobile home.

Deputy Melissa Frizzie was contacted at the scene by Walker's mother, Myesha Frazee, who was on the phone with Anjelica Byrd. Ms. Byrd was calling from inside 169 Dutchess Way.

Ms. Byrd told Deputy Frizzie that Ms. Winn-Spirk had been shot in the face. She also said that Walker had been shot in the backyard.

Deputy Frizzie told Ms. Byrd to remove Walker's gun from his hand. Ms. Byrd retrieved Walker's gun and told Deputy Frizzie she placed it inside the trailer.

Six SWAT deputies approached the front door behind an armored vehicle to attempt a hasty rescue of Ms. Winn-Spirk, who was unconscious with a gunshot wound to her head. Ms. Winn-Spirk was transported to the University of California, Davis Medical Center (UCDMC). She was pronounced deceased at the hospital.

SWAT Deputies then approached Walker in the backyard to take him into custody. Walker was lying on his back. Deputies noted blood on Walker's face as they placed him into handcuffs and began to provide medical care. Walker was pronounced deceased at the scene by the Sacramento Metro Fire Department. Two empty Glock .40 caliber magazines were located by Walker's body in the backyard.

The Sheriff's deputies and Rancho Cordova Police officers were not equipped with body-worn cameras, so there is no video footage that captured the shooting. The patrol vehicles on scene were equipped with In-Car Cameras. However, those cameras were not facing in the direction of the events as they took place.

SWAT deputies located Walker's .40 caliber Glock 22 handgun on a nightstand by the front door inside the trailer. It had been placed there by Ms. Byrd. The Glock 22 had bloodstains on the barrel.

Crime Scene Investigators processed the scene. They located 12 spent .40 caliber casings, indicating Walker fired at least 12 rounds during this incident.

A round count and examination of casings recovered at the scene indicated Sergeant Maggini fired 32 rounds from his 9mm handgun, Detective Chhlang fired 8 rounds from his rifle and Deputy Schmidt fired 5 rounds from his rifle.

Walker's mother was interviewed. Ms. Frazee stated that Walker twice told her he would not go back to jail. Walker claimed he would "shoot his way out." Walker had been hospitalized for

severe depression and recently stopped taking his medications for depression and bi-polar disorder.

Walker's grandmother, Sara Frazee, was interviewed. She remained inside the trailer during the incident and did not see the shooting. She told officers that Walker and Ms. Byrd had argued in the kitchen with Ms. Winn-Spirk prior to the shooting. She stated that Ms. Winn-Spirk left the trailer, then returned and stated the police were on their way.

Walker's friend Anjelica Byrd was interviewed. Ms. Byrd was inside the trailer during the shooting. She told officers that she had previously seen Walker with a gun but did not know that he was carrying a gun on the day of the incident.

Ms. Byrd stated that when the shooting started, Ms. Winn-Spirk screamed and went outside onto the porch.

Ms. Byrd believed that police were responsible for shooting both Ms. Winn-Spirk and Walker. However, as discussed below, forensic analysis of the bullets recovered during the two autopsies show that the fatal wounds suffered by both Ms. Winn-Spirk and Walker resulted from bullets fired from the Glock 22 .40 caliber handgun.

Walker's medical records from prior incarceration at the Sacramento County Main Jail were reviewed. On multiple occasions, Walker told jail staff he was suicidal. In July of 2019, Walker told a Jail Psychiatric Services employee that Walker would be armed during his next contact with law enforcement.

Walker's cell phone records were reviewed. On August 18, 2020, a text string between Walker and Ms. Byrd focused on problems between Walker and Ms. Winn-Spirk. In the texts, Ms. Byrd asked Walker if he wanted her to let him into the trailer. Walker replied no, "'Cause I'll murder two broads."

An autopsy of Ms. Winn-Spirk was performed by Dr. Jason Tovar, a pathologist with the Sacramento County Coroner's Office. The cause of death was multiple gunshot wounds. Dr. Tovar determined that Ms. Winn-Spirk suffered four gunshot wounds: two to the right side of her back; one to her left hip; and one to her right buttock. One of the gunshot wounds exited at Ms. Winn-Spirk's shoulder and struck her cheek. Three projectiles and several bullet fragments were recovered from Ms. Winn-Spirk's body during the autopsy.

An autopsy of Walker was performed by Dr. Keng-Chih Su of the Coroner's Office. Dr. Su found that Walker suffered gunshot wounds to his right wrist, left thigh, and head. Projectiles were recovered from Walker's right wrist and skull. The cause of death was listed as gunshot wound to the head.

The projectiles and fragments recovered during the two autopsies were tested by the Sacramento County District Attorney Laboratory of Forensic Services. The crime lab determined that the projectiles recovered from the body of Ms. Winn-Spirk were each nominal .40 caliber bullets and

one bullet jacket fragment. The crime lab determined that none of these projectiles were consistent with the duty ammunition carried by the three officers involved in this incident.

The crime lab determined that the nominal .38 caliber or 9mm bullet recovered from Walker's right wrist during the autopsy is consistent with the duty ammunition carried by the three officers involved in this incident.

The crime lab further determined the nominal .40 caliber bullet recovered from Walker's skull during the autopsy was not consistent with the duty ammunition carried by the three officers involved in this incident.

These ballistics results support the conclusion that Walker shot and killed Ms. Winn-Spirk. They further support the conclusion that Walker was struck in the right wrist by gunfire from a law enforcement officer but died from a gunshot to the head fired from his own .40 caliber handgun.

Accordingly, Ms. Winn-Spirk's manner of death was classified by the Coroner's Office as a homicide. Walker's manner of death was classified by the Coroner's Office as suicide.

## **LEGAL ANALYSIS**

An officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11; *Graham v. Connor* (1989) 490 U.S. 386, 396; *Kortum v. Alkire* (1977) 69 Cal.App.3d 325; California Penal Code section 835a(b); CALCRIM 2670.) The person being detained or arrested may be subjected to such restraint as is reasonably necessary for his arrest and detention and has a concomitant duty to permit himself to be detained. (*People v. Allen* (1980) 109 Cal.App.3d 981, 985; CALCRIM 2670, 2671, 2672.) Officers do not need to retreat or desist their efforts if the person they are arresting or detaining resists or threatens resistance; nor shall the officer be deemed an aggressor or lose the right to self-defense by use of reasonable force. (California Penal Code section 835a(d).)

Here, Deputy Schmidt, Detective Chhlang and Sergeant Maggini had been dispatched to a call at 169 Dutchess Way where the complainant, Ms. Winn-Spirk, reported that a man named "Chris" had pointed a gun at her in her kitchen and ordered her to leave her house.

When Deputy Schmidt, Detective Chhlang and Sergeant Maggini arrived at the scene, Ms. Winn-Spirk was not outside the home. However, Deputy Schmidt found Walker, who matched the description given to 9-1-1 by Ms. Winn-Spirk, in the carport area on the east side of the mobile home.

Given the nature of the call, Deputy Schmidt had a duty to detain Walker. He pointed his rifle at Walker and ordered Walker to raise his hands. Walker had an obligation to allow himself to be detained. However, Walker declined to do so. Walker turned and ran northbound through the carport and turned left into the backyard.

Walker ran to the northwest corner of the home and saw Sergeant Maggini, who had remained by the southwest corner to establish a perimeter. Walker held his .40 caliber handgun with both hands and opened fire towards Sergeant Maggini.

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. California law permits the use of deadly force if the officer actually and reasonably believed he was in imminent danger of death or great bodily injury. (CALCRIM 505, 507, 3470; California Penal Code section 835a(c)(1)(A).) An officer who uses deadly force must actually believe that force is necessary. The appearance of danger is all that is necessary; actual danger is not. (*People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.) Thus, the officer may employ all force reasonably believed necessary. (CALCRIM 3470.) The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 hindsight. The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. (California Penal Code section 835a(a)(4); *Graham v. Connor* (1989) 490 U.S. 386.)

Sergeant Maggini was in danger of suffering death or serious bodily injury when Walker was firing his .40 caliber handgun at him. Sergeant Maggini returned fire, discharging 10 shots towards Walker. Given that Walker had just shot at Sergeant Maggini, Sergeant Maggini was reasonable in concluding that lethal force was necessary to protect against further attack by Walker. Walker retreated back behind the northwest corner of the home.

Walker then returned towards the northeast corner. There, Walker encountered Deputy Schmidt. They stood approximately 15 feet apart. Walker raised his handgun and fired, striking Deputy Schmidt in the right thigh.

Detective Chhlang fired his rifle at Walker in an effort to protect Deputy Schmidt. Deputy Schmidt fell backwards after being shot. He feared Walker would follow him around the corner to “finish him off.” When Walker in fact appeared again at the corner, still holding his gun, both Deputy Schmidt and Detective Chhlang fired at Walker. Given that Walker had just shot Deputy Schmidt in the thigh, Deputy Schmidt and Detective Chhlang were reasonable in concluding that lethal force was necessary to protect against further attack by Walker.

Walker retreated again behind the corner into the backyard. Walker returned to the northeast corner. Sergeant Maggini had remained on the west side, and had heard Deputy Schmidt broadcast, “Officer down!” Walker and Sergeant Maggini exchanged gunfire at each other until Walker again retreated behind the corner into the backyard. Sergeant Maggini was reasonable in believing lethal force was necessary here to protect himself as Walker was actively shooting at him. Further, Sergeant Maggini’s actions were necessary to protect the other officers on scene and to protect residents in the surrounding area. Walker had demonstrated his intentions to avoid arrest. Walker had already shot at two officers and struck Deputy Schmidt in the right thigh. He needed to be immediately apprehended or stopped.

It should be noted here that an analysis of the evidence recovered during the autopsy of Ms.



Winn-Spirk established that Ms. Winn-Spirk was shot multiple times by .40 caliber bullets fired by Walker. Specifically, a .40 caliber bullet was recovered from the skull of Ms. Winn-Spirk during the autopsy. Although Sergeant Maggini, Deputy Schmidt, and Detective Chhlang were not aware of this when they were actively involved in trying to detain Walker, this fact is nonetheless compelling evidence of the actual and immediate danger presented by Walker and the urgent necessity to address and subdue his continuing threat to public safety.

It should also be highlighted that although Walker suffered injuries to his right wrist and left thigh from gunshots presumably fired by law enforcement, the fatal injury to Walker was inflicted by a .40 caliber bullet recovered from Walker's skull during the autopsy. It appears that after firing at multiple law enforcement officers to avoid being detained, including striking Deputy Schmidt in the right thigh, and shooting and killing Ms. Winn-Spirk, Walker took his own life.

Given a full consideration of all of these circumstances, Sergeant Maggini, Detective Chhlang, and Deputy Schmidt were all justified in their use of lethal force against Walker.

## **CONCLUSION**

Ms. Winn-Spirk called 9-1-1 to report that Walker was threatening her with a gun inside her home. Officers promptly responded, located Walker, and tried to take him into custody. However, Walker ran from officers, fired gunshots at two officers and struck Deputy Schmidt in the thigh, and shot and killed Ms. Winn-Spirk. Sergeant Maggini, Detective Chhlang, and Deputy Schmidt were justified in their actions to try and take Walker into custody and using deadly force to defend themselves and others.

Accordingly, we will take no further action in this matter.

Cc: Detective Rob Peters, Sacramento Sheriff's Office  
Sergeant Gabriel Maggini, Rancho Cordova Police Department  
Detective Neay Chhlang, Sacramento County Sheriff's Office  
Deputy Eric Schmidt, Sacramento County Sheriff's Office  
Rosa A. Vega, Sacramento County Coroner's Office  
Francine Tournour, Office of the Inspector General