



Sacramento County District Attorney's Office

THIEN HO
District Attorney

DATE: July 5, 2023

TO: Chief Katherine Lester
Sacramento Police Department
5770 Freeport Boulevard
Sacramento, California 95822

FROM: Sacramento County District Attorney's Office

SUBJECT: Officer-Involved Shooting Case Number 20-327203
Shooting Officer: SPD Officer Joseph Tippets #259
Person Shot: Michael Wright (D.O.B. 3/12/1968)

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 Michael Wright. 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 Police Department Report 20-327203, 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 Report of Investigation.

FACTUAL SUMMARY

At approximately 7:49 p.m. on November 4, 2020, a call was placed to 9-1-1 from Apartment #11108 of the Broadleaf Apartments located at 40 Park City Court in Sacramento. The Broadleaf Apartments is a multi-unit apartment complex consisting of 11 buildings. Apartment #11108 is located on the ground floor. The front door is in an interior hallway. The living room has a sliding door that opens onto an enclosed patio area that backs up to the parking lot.

At that time, Sacramento Police Department (SPD) Officer Joseph Tippets was parked in his patrol vehicle in the parking lot of St. Anthony's Church on Florin Road. Officer Tippets was dressed in full uniform with a badge on his chest and department patches on his sleeves. He was equipped with a body-worn camera (BWC) and armed with a Sig Sauer .40 caliber handgun.

Dispatch contacted Officer Tippets and other officers and directed them to respond to 40 Park City Court for a 9-1-1 call. Dispatch advised the officers the call consisted of male voices

screaming, someone screaming out in pain, and someone screaming “I’m sorry.” Officer Tippets began driving to the location.

As Officer Tippets was driving, additional updates were received. At approximately 7:51 p.m., a voice on the original 9-1-1 call told the dispatcher to get the police there quickly. At approximately 7:53 p.m., the original caller appeared to be rambling and largely incoherent. A second voice could be heard in the background crying out in pain.

At approximately 7:55 p.m., the 9-1-1 call ended abruptly.

A caller from an apartment neighboring #11108 called 9-1-1 and told the dispatcher there was a loud argument and the sound of objects being thrown around the apartment.

At approximately 7:59 p.m., a second call was placed to 9-1-1 from inside apartment #11108. This call was placed by Martin Neeley, the resident of apartment #11108. Neeley was screaming and told the dispatcher the suspect had a knife. Neeley said he was being stabbed and had a knife in his chest.

At approximately 8:01 p.m., a voice on the 9-1-1 call told Neeley he was going to kill him.

Given the information he received from dispatch, Officer Tippets decided to arm himself with his 5.56 caliber rifle. He activated his overhead emergency lights and siren as he approached the Broadleaf Apartments, which activated his body-worn camera. He arrived on scene at approximately 8:04 p.m.

Officer Tippets parked his patrol vehicle and retrieved his rifle. He began looking for apartment #11108. At approximately 8:05 p.m., the background voice on the 9-1-1 call stated he wanted to see his wife and demanded the police arrive immediately. He stated he would hold Neeley hostage until the “police bring his woman.” Neeley told dispatch the suspect had a knife to Neeley’s throat and had stabbed Neeley five times.

Officers Richard Kawasaki and Stephen Sanguinetti arrived on scene. Both officers headed towards the front door entrance to apartment #11108. Officer Tippets walked to the enclosed patio area for apartment #11108 that faced the parking lot.

The enclosed patio area had a low wall topped by wrought-iron fencing. Officer Tippets could see through the patio sliding door into the kitchen of the apartment. The vertical blinds by the sliding door were partially open.

Officer Tippets saw a male, later identified as Neeley, sitting on the floor with his back to the apartment front door. Neeley was covered in blood. Blood was also visible on the wall behind Neeley.

A male, later identified as Michael Wright, was standing behind Neeley. Wright held a large kitchen knife in his right hand. Officer Tippets saw that Wright and Neeley were talking, but he could not hear what was being said. Neeley held a phone to his right ear.

Wright knelt behind Neeley, placing his chest against Neeley's back. Wright placed his knife against Neeley's neck and started to press it in. Neeley screamed as the knife began to enter his neck.

Officer Tippets feared that Neeley was going to die. He pointed his rifle towards Wright, but he did not have a clear shot as Wright was crouched behind Neeley.

Wright stood up from behind Neeley and raised the knife in his right hand over his head. As Wright began to bring the knife back down, Officer Tippets believed Wright's intent was to fatally stab Neeley. He believed he had to act immediately, or Neeley would die.

As Wright was now standing, Officer Tippets believed he had a clear shot towards Wright that would not hit Neeley. At approximately 8:09 p.m., Officer Tippets fired his rifle three times, aiming at Wright's chest.

Wright fell to the ground and became motionless. Neeley remained seated on the ground.

Officer Sanguinetti joined Officer Tippets by the patio. They called to Neeley to get him to come to the patio. Neeley replied, "I can't. He's holding me hostage."

Officers Sanguinetti and Tippets continued encouraging Neeley to come to the patio. They helped him over the patio railing. Officer Sanguinetti escorted Neeley to where the Sacramento Fire Department was staged to provide medical treatment. Neeley had stab wounds to his lower left kidney area, left chest, and left armpit area, as well as two wounds to the left side of his neck.

Officer Tippets maintained cover of Wright until additional units arrived. Wright did not respond to commands to surrender. A less-lethal bean bag round was deployed, without effect. A contact team entered the apartment and placed Wright in custody.

As the contact team entered, Officer Evan Wright¹ noted that Wright still held a large kitchen knife in his right hand. Officer Wright removed the knife and placed it on a couch.

Firefighters entered the apartment and began to provide medical care to Wright. Wright was declared deceased on scene at approximately 8:36 p.m.

Crime scene investigators entered the apartment. Two more blood-stained knives were located in the living room in addition to the knife recovered by Officer Wright.

A round count and examination of casings recovered from the scene established that Officer Tippets fired three rifle rounds during this incident.

Although Officer Tippets was equipped with a body-worn camera affixed to his chest, the patio wall obscured the camera's view into the apartment at the time Officer Tippets fired his weapon.

¹ No relation to Michael Wright.

However, the visible portions of the video and the audio of the incident depict events as described above.

The calls to 9-1-1 were reviewed. The calls establish that Wright was the initial caller to 9-1-1. They further establish that the background voice during Neeley's call was Wright threatening to kill Neeley.

Neeley was interviewed. He told detectives he met Wright approximately one month earlier. Wright's mother also lives in the Broadleaf Apartments. Neeley said he and Wright would go shopping or get food together.

Neeley stated that on November 4th, Wright showed up drunk to Neeley's apartment. Wright's behavior was manic. He appeared to be talking to people who were not there and accused Neeley of taking Wright's girlfriend hostage.

Wright grabbed objects from around the apartment and threw them at Neeley. He grabbed Neeley by the head and dragged him around the apartment.

Wright grabbed a large knife from the kitchen and told Neeley that Neeley needed to "find my woman."

Neeley believed Wright was suffering from a psychotic episode. Wright stabbed Neeley several times. Wright then pressed the knife against Neeley's chest. Neeley believed Wright was going to kill him.

Neeley was able to call 9-1-1. As Wright held the knife to Neeley's chest, Wright said to Neeley, "Don't be diplomatic with the police. I'm killing you." During the 9-1-1 call, Wright directed Neeley to "scream louder."

As Wright was standing over Neeley with the knife, Neeley heard gunshots. The officers then directed Neeley to come to the patio. Neeley climbed over the patio railing and began receiving medical care.

An autopsy was performed on Wright by Dr. Irfan Chaudhry, a pathologist with the Sacramento County Coroner's Office. Dr. Chaudhry noted that Wright suffered gunshot wounds to his right shoulder, left torso, and right side of his head. The cause of death was determined to be multiple gunshot wounds.

A sample of Wright's femoral blood obtained during the autopsy was tested by a criminalist with the Sacramento County District Attorney Laboratory of Forensic Services. The sample was found to contain methamphetamine and amphetamine.

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, Officer Tippetts was dispatched to an incomplete 9-1-1 call at the Broadleaf Apartments, #11108. As Officer Tippetts drove to the apartment, Neeley advised the 9-1-1 dispatcher that the suspect had a knife and stabbed Neeley several times. As Officer Tippetts got closer to the apartment, the suspect was heard on the call telling Neeley he was going to kill him. Neeley then told the dispatcher he had a knife in his chest.

Clearly, Officer Tippetts had a duty to immediately respond and take appropriate necessary action. He arrived at the complex and armed himself with his rifle. He located apartment #11108 and took a position by the patio railing where he was able to see into the apartment.

As he did so, Officer Tippetts could see Neeley was covered in blood. Wright was standing behind Neeley holding a knife. Wright knelt behind Neeley and placed the knife against Neeley's neck. Neeley began to scream as Wright pressed the knife into Neeley's neck.

Officer Tippetts saw Wright stand up from behind Neeley and raise the knife up over his head. Wright then began to bring the knife downwards. Officer Tippetts believed Wright's intent was to fatally stab Neeley.

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.)

Here, Officer Tippetts saw Wright holding the knife above Neeley, and saw Wright begin to bring the knife downwards. Officer Tippetts also saw that Neeley was covered in blood, and he was advised that Wright stabbed Neeley several times.

Officer Tippets believed if he did not act immediately to stop Wright, Neeley would die. He fired his rifle three times. Wright fell to the floor.

Under these circumstances, Officer Tippets was justified in believing that deadly force was immediately necessary to prevent Wright from murdering Neeley.

CONCLUSION

Officer Tippets was dispatched to a 9-1-1 call. While he was in route to the scene, he was advised that the suspect had stabbed the victim several times and threatened to kill the victim.

When Officer Tippets arrived, he saw Neeley covered in blood, with Wright positioned behind Neeley holding a large kitchen knife. Wright stood up, raised the knife over his head, and began to bring it down towards Neeley.

Before Wright could do so, Officer Tippets fired three shots from his rifle to save Neeley's life. His actions were immediately necessary to prevent imminent and serious injury. They were justified under the law.

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

Cc: Detective Amanda Worm, Sacramento Police Department
Officer Joseph Tippets, Sacramento Police Department
Rosa A. Vega, Sacramento County Coroner's Office
Office of Public Safety Accountability