



Sacramento County District Attorney's Office

THIEN HO
District Attorney

DATE: December 4, 2024

TO: Sheriff Jim Cooper
Sacramento County Sheriff's Office
4500 Orange Grove Avenue
Sacramento, CA 95841

FROM: Sacramento County District Attorney's Office

RE: In-Custody Death – Sherrano Stingley (DOB 4/26/74)
SSO Report No. 22-360884
Date of Incident – 12/06/22

The District Attorney's Office has completed an independent review of the above-referenced in-custody death. Issues of civil liability, tactics, and departmental policies and procedures were not considered. We only address whether there is sufficient evidence to support the filing of a criminal action in connection with the death of Sherrano Stingley. For the reasons set forth, we find no evidence of criminal misconduct.

The District Attorney's Office received and reviewed written reports and other items, including: Sacramento Sheriff's Office report number 22-360884 and related dispatch logs and recordings; witness interviews; photographs; body-worn camera and other video recordings; Sacramento County Laboratory of Forensic Services reports; and the Sacramento County Coroner's Final Report of Investigation.

FACTUAL SUMMARY

On December 6, 2022, at approximately 5:31 a.m., the resident of a home called 9-1-1 and reported that a black male adult, later identified as Stingley, was kicking his front door and turning his front doorknob to attempt entry. The resident did not know Stingley.

At approximately 5:39 a.m., Sacramento Sheriff's Deputy Freddy Martinez arrived at the home and found Stingley standing behind a fence gate near the front door. Deputy Martinez asked Stingley what he was doing. Stingley immediately opened the fence gate and ran off, while Deputy Martinez tried to cut him off. Deputy Martinez gave multiple directives to Stingley to stop, show his hands, and get on the ground. Stingley initially hesitated and then complied.

When Deputy Martinez approached Stingley to place handcuffs on him, Stingley used his left hand to grab the deputy's flashlight out of his hand and wrapped his other arm around the

deputy's left leg, trying to take the deputy to the ground. Stingley then wrapped both of his arms around the deputy and attempted to bite Martinez's leg. Deputy Martinez yelled, "Let me go," and punched Stingley as he tried to bite his leg. Stingley continued trying to bite Deputy Martinez, and the deputy punched Stingley a second time.

Deputies Brittany Linde and Rachell Villegas arrived on scene and assisted with detaining Stingley. Stingley continued to fight with officers while on the ground. During the struggle, Stingley kept grunting and yelling incoherently. Eventually, the deputies were able to pull Stingley off Deputy Martinez.

Additional deputies, including Deputies Kristofer Eilers and Nevin Thomas, arrived on scene and assisted in restraining Stingley. Stingley continued to resist by pulling his hands away and refusing to allow deputies to take him into custody. Stingley also grabbed onto the other deputies and refused to let go. Deputies eventually overcame Stingley's resistance and placed him in handcuffs.

Deputies attempted to assist Stingley to a standing position; however, he could not stand on his own feet. Deputies attempted to gain Stingley's attention, but he did not respond.

Deputy Eilers immediately requested medical personnel be dispatched to their location for a Code 3 response.¹

Deputies placed Stingley in a recovery position on the ground by laying him on his side. Deputy Thomas located a pulse and continued to monitor Stingley's vitals.

At approximately 5:53 a.m., fire and medical personnel arrived and began their medical evaluation. Paramedics were no longer able to locate a pulse and began cardiopulmonary resuscitation.

Stingley's daughter arrived on scene. She told deputies that her father had been living at a home in the neighborhood but had been kicked out, was under the influence of narcotics, and had been knocking on neighbors' doors in an attempt to gain access given the cold outdoor temperature.

At approximately 6:12 a.m., medical personnel transported Stingley in an ambulance to Kaiser Permanente South Sacramento Medical Center.

At approximately 6:17 a.m., the ambulance arrived at the hospital. Medical staff initially were unable to locate Stingley's pulse. Eventually, they were able to reacquire Stingley's pulse.

Physicians determined Stingley had cocaine, methamphetamine, and Tetrahydrocannabinol (THC) in his system and had experienced a serious medical emergency while exerting himself during the struggle with law enforcement. Physicians opined Stingley's prognosis was unfavorable.

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

On December 7, 2022, law enforcement received a compassionate release from the Sacramento County Superior Court so that his family could be with him and consult with his doctors regarding medical decisions.

On December 16, 2022, Kaiser medical personnel pronounced Stingley deceased.

Stingley's blood sample taken on December 6th was analyzed by the Sacramento County District Attorney's Office Crime Lab. The blood sample showed the presence of 653 ng/mL of methamphetamine.

An autopsy was performed by Dr. Jason P. Tovar, a certified pathologist with the Sacramento County Coroner's Office. Dr. Tovar determined Stingley's cause of death to be sequelae of cardiopulmonary arrest due to methamphetamine intoxication during physical restraint, complicating hypertensive heart disease. The manner of death was classified as undetermined.

Surveillance videos and body worn camera videos were reviewed. The videos depict the events as described above.

LEGAL ANALYSIS:

The Office of the District Attorney reviews deaths that occur while in police custody to assess and apply the law relating to police use of force and to determine if the officers' acts fall within the state laws of criminal responsibility. This office conducted its review by applying the facts of this case to the controlling legal authority.

Under the circumstances, Sacramento Sheriff's Office deputies had probable cause to take Stingley into custody. A citizen called 9-1-1 and reported a black male adult was kicking his front door and attempting unlawful entry to his home. Deputies arrived at the residence and located Stingley, who matched the description, standing behind a fence gate near the front door. Deputy Martinez verbally contacted Stingley, but he immediately opened the gate and ran off. Deputy Martinez gave multiple directives to Stingley to stop, show his hands, and get on the ground. When deputies attempted to detain him, Stingley initially complied but then physically resisted and struggled with the deputies. When a person is being detained by a peace officer, it is the duty of that person to refrain from using force to resist the detention or arrest. (Penal Code § 834a; *Evans v. City of Bakersfield* (1994) 22 Cal.App.4th 321.) Additionally, the deputies had probable cause at that point to take Stingley into custody for a violation of Penal Code section 148 for failing to comply with the officers' orders and by physically resisting them.

Because the deputies' efforts to detain and take Stingley into custody were lawful, and there is no credible evidence to support a finding that any of the deputies tried to harm him, the only possible source of criminal liability is under California Penal Code section 192(b), involuntary manslaughter. The relevant portion of Penal Code section 192(b) defines involuntary manslaughter as a "killing . . . in the commission of a lawful act which might produce death . . . without due caution and circumspection." The statutory phrase "without due caution and circumspection" has been described by the California Supreme Court as the equivalent of

“criminal negligence.” (See *People v. Penny* (1955) 44 Cal.2d 861, 869-880; *People v. Stuart* (1956) 47 Cal.2d 167, 173-174.)

Under California law, more than ordinary negligence is required to support a charge of involuntary manslaughter. Evidence must prove that a person acted in an aggravated, culpable, gross, or reckless manner, a manner so imprudent as to be incompatible with a proper regard for human life, or in other words, a disregard of human life or an indifference to consequences of the act. (*Somers v. Superior Court* (1973) 32 Cal.App.3d 961, 968-969.) Further, the evidence must prove that the consequence of the negligent act could reasonably have been foreseen, and it must appear that the death or danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated, reckless, or grossly negligent act. (*People v. Villalobos* (1962) 208 Cal.App.2d 321, 326-328; *People v. Rodriguez* (1960) 186 Cal.App.2d 433, 437-441.)

Although the term “negligence” is used in both criminal and civil actions, it is defined differently in each. Criminal negligence differs from civil, or “ordinary negligence,” in that it requires a finding of more aggravated reckless conduct (i.e., the standard of measuring the conduct itself is greater). Furthermore, criminal negligence requires a higher standard of proof than ordinary negligence (i.e., proof beyond a reasonable doubt). The determination of whether or not conduct rises to the level of criminal negligence must be determined from the conduct itself and not from the resultant harm. (*Somers v. Superior Court, supra*, 32 Cal.App.3d at p. 969; *People v. Rodriguez, supra*, 186 Cal.App.2d at p. 440.)

Here, Deputies Martinez, Linde, and Villegas and the other SSO deputies acted reasonably when they detained and restrained Stingley.

When Deputy Martinez approached Stingley to place handcuffs on him, Stingley grabbed the deputy’s flashlight out of the deputy’s hand, attempted to take him to the ground, wrapped both arms around him, and attempted to bite the deputy’s leg. Deputy Martinez commanded Stingley to stop and punched him. Stingley continued trying to bite Deputy Martinez, and the deputy punched Stingley a second time.

Deputies Linde and Villegas arrived on the scene and assisted with detaining Stingley. While on the ground, Stingley continued to fight with officers and grabbed onto other deputies. Eventually, the deputies were able to pull Stingley’s hands off the deputies.

Additional deputies arrived and assisted in restraining Stingley. Stingley continued to resist by pulling his hands away and refusing to allow deputies to take him into custody. Deputies eventually overcame Stingley’s resistance and placed him in handcuffs behind his back.

As shown in the body-worn camera video, the deputies used minimal force and measured voices to get Stingley to comply. They continually asked Stingley to show his hands, let go of the deputies, and stop resisting. They did not use their department-issued TASER nor any other blunt item to get Stingley to comply.

After Stingley was handcuffed, they attempted to assist Stingley to a standing position. Stingley could not stand and was unresponsive to the deputies. The deputies immediately checked Stingley's vitals, placed him in a recovery position, and requested medical personnel be dispatched to their location for a Code 3 response. While they waited for medical personnel to respond, they located Stingley's pulse and continued to monitor Stingley's vitals.

At approximately 5:53 a.m., fire and medical personnel arrived and began their medical evaluation. Paramedics were no longer able to locate a pulse and began CPR.

Accordingly, SSO personnel did not act in an aggravated or reckless manner or with a disregard for human life in the force that was used to detain and restrain Stingley.

Similarly, the deputies present were not negligent for failure to provide care or monitor Stingley more closely. To the contrary, once detained, the officers recognized that Stingley had become unresponsive and immediately called for medical personnel, placed him in a recovery position, and monitored his vitals until medical personnel arrived.

The autopsy conducted by Dr. Tovar reinforces this conclusion. Dr. Tovar also reviewed the toxicology results before determining a cause of death. After doing so, Dr. Tovar classified the manner of death as "undetermined."

Therefore, considering the totality of circumstances, the deputies did not act in an aggravated, culpable, gross or reckless manner. Nor did they act with a disregard for human life or an indifference to the consequences of their actions.

CONCLUSION

Applying the controlling legal standards to the factual record in this case, we find no credible evidence to support an allegation of criminal negligence or excessive force against Deputies Martinez, Linde, Villegas, Eilers, or Thomas. Rather, the objective evidence supports a finding that the deputies' conduct was reasonable given the circumstances they encountered. Accordingly, we will take no further action in this matter.

Cc: Sacramento County Sheriff's Office Lieutenant Janae Galovich
Rosa A. Vega, Sacramento County Coroner's Office
Kevin Gardner, Sacramento County Office of Inspector General