

# *Yuba* COUNTY

OFFICE OF THE DISTRICT ATTORNEY



*PAX PER JUSTITIA*

## **Report on the Investigation into the Shooting of Donn Moore on September 24, 2024**

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January 2025

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# INVESTIGATION OF OFFICER INVOLVED SHOOTINGS

## BACKGROUND

Pursuant to Government Code section 26500, the district attorney is the public prosecutor, responsible for initiating and conducting on behalf of the People all prosecutions for public offenses. Anytime a person shoots another person, the district attorney analyzes the facts to determine whether the shooter should be held criminally liable for their actions.<sup>1</sup>

When the shooter is a peace officer exercising the power of the state, the transparency of the investigation and the charging decision are essential for accountability in our democracy. We ensure this in Yuba-Sutter by providing an independent investigation of every incident and a transparent explanation of why charges were or were not filed.

Every local law enforcement agency in Yuba and Sutter Counties has committed to an independent, professional, and transparent investigation of officer-involved shootings (“OIS”) by their members. The Yuba-Sutter Officer-Involved Shooting and Critical Incident Investigation Team (“OIS Team”) was created to provide independent investigations of every officer-involved shooting that occurs in either county.

The OIS Team is led by the Chief Investigators for the Yuba and Sutter County District Attorneys. The Team is made up of experienced peace officers from each of the member agencies. The multi-agency makeup and independent leadership of the OIS Team ensures the investigation is always done by impartial professionals from outside the involved officer’s agency.

Once an investigation is complete, the OIS Team refers it to the district attorney with jurisdiction over the incident. The district attorney does a legal analysis of the facts under California law, deciding if anyone should be held criminally responsible for their actions. The process culminates with the district attorney issuing a public report summarizing the facts and legal analysis.<sup>2</sup>

Examining law enforcement agency policies, tactics, or procedures is beyond the scope of the district attorney’s legal analysis.

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<sup>1</sup> Pursuant to California Assembly Bill 1506, the California Department of Justice is required to investigate and review all officer-involved shootings resulting in the death of an unarmed civilian.

<sup>2</sup> When criminal charges are filed against any of the involved parties, the District Attorney will not release the report or evidence until after the criminal case is over. We do this to protect the right of the involved parties to a fair trial with an impartial jury.

## PRIVACY STATEMENT

To provide transparency, the identities of citizens and peace officers that were involved in the OIS or critical incident are made public.

The names and most identifying information of civilian witnesses that were not directly involved in the incident are redacted. The public interest in such information is limited because it is not necessary to gain an understanding of the incident or the charging decision. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy and readability, the witnesses will be indexed as follows:

- Witness 1 (W-1), a former girlfriend of Donn Moore
- Witness 2 (W-2), a relative of Donn Moore

## EXECUTIVE SUMMARY

On September 24, 2024, at approximately 10:20 p.m., a Yuba County Sheriff's ("YCSO") deputy driving a marked patrol vehicle noticed a Ford F-150 pickup truck being driven unusually slowly near an area that had been the site of recent burglaries. The deputy braked to turn around and noticed the truck immediately sped off. Several minutes later the deputy caught up to the truck, which was speeding over 90mph in a 55mph zone. The deputy activated his red and blue lights, but the driver did not yield.

The driver of the truck, 22-year-old Donn Paul Moore, was extremely high on methamphetamine and likely suicidal. He had been experiencing relationship difficulties with W-1, his ex-girlfriend, and exhibiting homicidal and suicidal ideation. Mr. Moore believed there was a warrant for his arrest out of Nevada, and that he would go to prison if stopped. Known to carry a gun, he had recently told W-1 that he would "shoot it out with the cops" or attempt "suicide by cop" to avoid going back to prison.

Mr. Moore led deputies on a high-speed 23-minute chase through Browns Valley and Loma Rica. During the pursuit, Mr. Moore called W-2 and said that he was not stopping and going back to prison. W-2 begged Mr. Moore to throw his gun out of the truck and surrender, but Moore refused to listen. The pursuit ended on Highway 20 in Hallwood after the truck was disabled by spikes strips.

By the end of the pursuit there were four YCSO deputies, two Yuba City Police Department ("YCPD") officers, and two California Highway Patrol ("CHP") officers present to help with a high-risk vehicle stop. The officers were aware that Mr. Moore was likely armed with a firearm and had threatened to commit "suicide by cop." The scene was chaotic and noisy due to Mr. Moore continuously revving the engine and spinning the tireless steel rims against the asphalt, creating a shower of sparks, smoke, and noise.

Officers repeatedly ordered Mr. Moore to surrender. He did not. Mr. Moore stuck his right arm and head out of the driver's window and pointed a handgun at the officers. They ordered him to drop the gun. He did not. Mr. Moore fired the gun. All the officers believed Mr. Moore had or was about to shoot at them. Believing their lives were in danger, three YCSO deputies and two YCPD officers fired their duty weapons. In the span of 8 seconds, the 5 law enforcement officers fired a total of 34 to 40 rounds at Mr. Moore. Unbeknownst to the officers at the time, one of those rounds penetrated Mr. Moore's head, killing him within seconds.

After the initial volley of fire, the truck began moving toward the driveway of a residence, prompting a YCSO deputy to fire one more round. The truck lost traction and stopped, though the engine continued to rev, spinning the rear wheels against the asphalt.

The officers on scene did not know whether Mr. Moore continued to pose a threat to their lives. They called for a drone and the SWAT Team. The SWAT Team eventually used an armored vehicle to get close to the truck. A sergeant from the SWAT Team seized a pistol from Mr. Moore's lap. Other officers removed Mr. Moore from the truck. A paramedic determined that Mr. Moore was deceased.

The OIS Team investigated the incident, interviewing witnesses, collecting shell casings, firearms, and video from car-mounted and body-worn cameras. The OIS Team documented their investigation in reports and provided the evidence to the Yuba County District Attorney.

After reviewing the investigation and evidence, the Yuba County District Attorney has declined to prosecute the involved officers because it is clear their use of force was justified. This report is the final step in the District Attorney's review of the OIS of Mr. Moore. The report presents analysis of why criminal charges were not brought against the involved officers.

## SUMMARY OF THE INCIDENT

### Background – Involved Citizen(s)

Donn Paul Moore was 22 years old on September 24, 2024. Mr. Moore, a white male, weighed approximately 128 pounds, and was approximately 5 foot, 9 inches tall. During the summer and fall of 2024, Mr. Moore was living in Browns Valley, California.

Mr. Moore had criminal history in both California and Nevada.

In the months leading up to the OIS, Mr. Moore had been using cocaine and methamphetamine, experiencing relationship difficulties with his ex-girlfriend, W-1, and exhibiting homicidal and suicidal ideation. He had been physically violent with W-1 several times in recent months and threatened to kill her and himself. Mr. Moore also told W-1 that he would “shoot it out with the cops” to avoid going back to jail or prison.

On September 22, 2024, W-1 reported Mr. Moore’s violence and threats to YCSO Deputy Tyler Eck. She told Deputy Eck that Mr. Moore carried a small semiautomatic pistol in his waistband and that he would run or attempt “suicide-by-cop” if contacted by law enforcement. Deputy Eck wrote a report and referred it to the district attorney’s office. He also had dispatch flag Mr. Moore in their computer aided dispatch (“CAD”) system as possibly being in possession of a firearm and threatening “suicide by cop.”

Based on toxicology from the autopsy, it is apparent that on September 24, 2024, Mr. Moore had consumed marijuana and a significant amount of methamphetamine. His blood concentration of methamphetamine was well above levels known to cause users to exhibit violent and irrational behavior, restlessness, confusion, and hallucinations.

### Background – Involved Law Enforcement Officer(s)

On the evening of Tuesday September 24, 2024, Yuba County Sheriff’s Office (“YCSO”) Sergeant S. Moore supervised the night shift for the patrol division. The night shift is a 12-hour shift that runs from 7:00 p.m. to 7:00 a.m. There were multiple Yuba County deputy sheriffs patrolling the unincorporated areas of the county that evening, including, Deputy Tyler Eck, Deputy Bonifacio Paredes, Deputy Earl Manion, Deputy Justin Young, Deputy Shaun Hammond, and Deputy Albert Ramirez. All of them were wearing YCSO uniforms that clearly identified them as sheriff’s deputies.

The Yuba County Sheriff’s Office did not have a K9 handler on duty during the shift. A K9 handler or K9 officer is a peace officer who uses a specially trained dog for a variety of law enforcement tasks, including tracking suspects, detecting drugs, guns, or explosives, and assisting in arrests that pose heightened risks for their human partners. K9 units are frequently used during high-risk arrests, such as after a vehicle pursuit. Small agencies are often unable to have a K9 handler for every shift and it is not uncommon to request support from another agency when the need arises.

The closest K9 handler on duty on the evening of September 24, 2024, was YCPD Officer Allec Mitchell. Officer Mitchell was working patrol that evening in Yuba City and helping train YCPD Officer Asseal Atmar.

Yuba County is also served by the Yuba-Sutter Office of the California Highway Patrol. On the evening of September 24, 2024, CHP Officers Joseph Dagnino and Paul Touchet were on duty in the Yuba-Sutter area. They were both wearing distinctive CHP uniforms and driving marked patrol vehicles.

## **Officer-Involved Shooting**

### **The Pursuit**

On Tuesday, September 24, 2024, at approximately 10:20 p.m., YCSO Deputy Tyler Eck was heading toward the Loma Rica Store. Deputy Eck was patrolling the area frequently due to recent break-ins at the store. He was driving west on Fruitland Road when he saw a dark blue Ford F-150 pickup truck with its rear bumper spray-painted white driving slowly east on Fruitland. The slow-moving truck aroused his suspicion given the time of night and the proximity to the store. After they passed each other, Deputy Eck applied his brakes and noticed the truck then rapidly accelerated east on Fruitland.

Deputy Eck turned his patrol vehicle around and began trying to catch up to the truck. It took Deputy Eck three to five minutes to get close enough to try to stop the truck. By that time, they were traveling southbound at over 90mph on Marysville Road. At 10:24 p.m., Deputy Eck activated the patrol vehicle's emergency lights to stop the truck, and radioed dispatch that he was trying to catch up to a speeding vehicle.

The truck did not stop. About a minute later, Deputy Eck saw the subject driving the truck holding a light out of the driver's window and shining it back towards him. Deputy Eck was concerned it could be a light mounted on a firearm, and he alerted dispatch. At approximately 10:26 p.m., he activated his audible siren and radioed dispatch that the truck had failed to yield, and he was now in pursuit.

The pursuit continued at speeds of about 80mph. The truck turned west onto Highway 20 and then north on Spring Valley Road. Around 10:30 p.m., as they were driving on Spring Valley Road, Deputy Eck realized the truck matched the vehicle description for Donn Moore's truck. He radioed dispatch that he believed he was pursuing Donn Moore, a domestic violence suspect flagged for possession of a firearm.

YCSO Dispatch confirmed the firearm flag. YCSO Sergeant Moore instructed dispatch to request a K9 unit from another agency. Just after 10:30 p.m., YCPD sent K9 Officer Mitchell to help. Multiple YCSO deputies and CHP officers were also enroute to assist.

Deputy Eck continued pursuing as the truck turned north on Marysville Road, west on Fruitland Road, west on Virginia Road, north on Smith Road, and south on Loma Rica Road. YCSO Deputy Manion joined the pursuit on Loma Rica Road.



YCSO Deputies Hammond and Ramirez deployed spikes across Loma Rica Road. The spikes deflated three of the truck's tires and the front passenger tire of Deputy Eck's patrol vehicle. Deputy Eck had to stop and let Deputy Manion take over the pursuit. YCPD Officer Mitchell joined moments later and took the primary position directly behind the Ford truck. Moving the K9 unit into the primary position is standard practice so that the dog will be readily available to help make a high-risk vehicle stop.

Mr. Moore continued driving despite three of his tires running flat. He lost control and nearly crashed at the intersection of Loma Rica Road and Highway 20, but the truck regained traction and began to move slowly west on Highway 20 towards Hallwood.



Figure 001 – Still image from YCPD Officer Mitchell's car-mounted video, showing Don Moore at the intersection of Loma Rica Road and Highway 20. Notice the front tire is gone and the rear tire is flat.

The tires on the truck had essentially disintegrated and the steel rims against the asphalt were shooting sparks and generating a large amount of smoke.



Figure 002 – Still image from YCPD Officer Mitchell's car-mounted video, depicting the Ford F-150 throwing sparks and generating smoke as the pursuit entered the 45mph zone in Hallwood.

YCSO Sergeant Moore and Deputies Young and Paredes joined Deputy Manion and Officer Mitchell as the pursuit made its way through Hallwood at about 35mph. CHP Officers Dagnino and Touchet also joined at Hallwood, following at a distance with their rear emergency lights flashing to warn approaching motorists.

The Ford truck continued to slow, and at approximately 10:49 p.m., stopped in the eastbound lane in front of the residence located at 2655 Highway 20. The pursuing officers stopped their patrol vehicles behind the truck and prepared to make a high-risk arrest. The pursuit lasted approximately 23 minutes.

### High-Risk Vehicle Stop

At this point, the officers knew that the driver of the Ford F-150 truck had engaged in a reckless high-speed attempt to evade arrest. They knew the driver of the truck was possibly armed with a firearm and had threatened to commit “suicide by cop.” These factors necessitated officers using special tactics for a high-risk vehicle stop.

The procedures for a high-risk vehicle stop are relatively standard across all law enforcement agencies in California. The officers are trained to hold the vehicle occupants at gunpoint and give them commands to exit the vehicle and lay down. Officers then work as a team to safely handcuff and detain the vehicle occupants.

Officers Mitchell and Atmar parked directly behind the truck. The YCSO units stopped behind them, spread out across the roadway. YCSO Sergeant Moore was the furthest to the left, parked on the eastbound shoulder. Deputy Paredes parked to Sergeant Moore’s right, straddling the eastbound fog line. Deputy Young parked to the right of Deputy Paredes. Deputy Manion parked to the right of Deputy Young, straddling the fogline for the westbound lane. CHP Officer Dagnino was furthest right, having pulled onto the westbound shoulder. CHP Officer Touchet initially parked about 20’ behind the rest.



Figure 003 – Still image from CHP Officer Touchet’s car-mounted video, depicting the line of patrol vehicles at the end of the pursuit and the beginning of the high-risk stop.

Within a second of the truck stopping, Mr. Moore opened the driver's door and stood up in the doorway facing back toward the officers. Mr. Moore lifted the bottom of his shirt and reached into his waistband, making multiple jerky movements. Officers immediately began giving Mr. Moore commands, such as "hands in the air," and "get out of the car." Multiple officers heard Mr. Moore shout something to the effect of "I'm going to kill you" or "I'm going to shoot you" before getting back into the truck.



Figure 004 – Still image from YCPD Officer Mitchell's car-mounted video, showing Don Moore standing up in the doorway of the truck with his hands near his waistband. (Inset photo enlarged)

The noise from the revving engine and spinning wheels was extremely loud. YCSO Sergeant Moore gave Mr. Moore repeated admonitions over the public address system that they didn't want to hurt him and to "stop the car." Sergeant Moore also requested the Crisis Negotiation Team.

The truck regained some traction and rolled forward another 10' to 15'. YCPD Officer Mitchell moved his patrol vehicle forward. CHP Officer Dagnino moved Deputy Manion's patrol vehicle forward, and Sergeant Moore moved his up and to the back-right of Manion's vehicle. The other officers moved forward on foot and took cover next to the patrol vehicles that had moved up.

At approximately 10:52 p.m., Donn Moore stuck his head and right arm out of the driver's window and looked back toward the officers. Mr. Moore pointed a handgun at them. Multiple officers later described seeing Mr. Moore point the gun right at them. They began shouting for Mr. Moore to "drop the gun."



Figure 005 – Still image from Officer Mitchell’s car-mounted video, depicting Mr. Moore looking back and pointing a pistol at the officers. (Inset photo enlarged)

Mr. Moore chose to fire the gun rather than drop it. All the officers but one perceived Mr. Moore was shooting right at them. Deputy Paredes noticed Mr. Moore fired into the air, but also saw him immediately level the gun back at them. Fearing their lives were in imminent danger, YCPD Officers Mitchell and Atmar, and YCSO Deputies Young, Manion, and Paredes fired their weapons at Mr. Moore. In the span of 8 seconds, the 5 law enforcement officers fired a total of 34 to 40 rounds at Mr. Moore. Unbeknownst to the officers, one of the rounds hit Mr. Moore in the head, killing him within seconds.

The shooting ceased and the truck began moving forward again, slowly pulling off the roadway and toward the driveway of a residence. Deputy Young, believing that the residents at that home were in imminent danger if Mr. Moore escaped up the driveway, fired his rifle at him one last time. The truck progressed a few additional feet onto the driveway and then lost traction again. The engine continued to rev and the right-rear wheel continued to spin on the asphalt shoulder.

We know now that when the truck began moving toward the driveway, Donn Moore was dead and the incident was over. The shooting itself had lasted 16 seconds, and the entire high-risk vehicle stop had lasted just over three minutes.

At the time, the officers did not know the incident was over. They were unsure if Mr. Moore still presented a threat. They could not see him and the truck’s rear tires continued to spin as if Moore was still giving it gas. Sergeant Moore called YCSO for a drone and armored vehicle. Once the armored vehicle arrived, deputies approached the truck and removed Mr. Moore from the truck, finding a semiautomatic pistol on his lap.



# INVESTIGATION

## OIS Team Response

YCSO personnel requested the Yuba-Sutter Officer-Involved-Shooting and Critical Incident Investigation Team (“OIS Team”) respond to investigate the incident. Yuba County District Attorney Chief Investigator Brandt Lowe arrived at the scene to assume the investigation before the SWAT Team had removed Mr. Moore from the vehicle.

## Scene Processing

Investigators from the OIS Team and California Department of Justice Bureau of Forensic Services (“DOJ”) processed the scene.

DOJ Criminalist Killian collected 26 fired 5.56mm cartridge casings and 8 fired 9mm cartridge casings from the areas in and around the patrol vehicles.



Figure 006 – Photo taken by DOJ personnel, depicting evidence placards marking the location of multiple fired cartridge casings collected from the scene.



Figure 007 – Photo taken by DOJ personnel, depicting a fired 9mm cartridge casing in the foreground, and a fired 5.56mm cartridge casing in the upper right.

Criminalist Killian collected a fired .22 caliber cartridge casing on the asphalt shoulder near the location where the Ford F150 was at the time of shooting.

Criminalist Killian documented the damage to the Ford F-150, photographing it from multiple angles. All four tires were either completely flat or missing. She noted in her report that there were multiple bullet penetrations into the truck's interior, and one bullet hole that appeared to have a bullet path from inside the vehicle towards the outside.



Figure 008 – Photo taken by DOJ personnel, showing the passenger side of the truck. Notice the tires were completely gone, and the barrel of the rear wheel is nearly flat.



Figure 009 – Photo taken by DOJ personnel, showing the left-rear corner of the truck's passenger compartment with multiple bullet holes. The windshield is intact but shattered, likely from rounds that first traveled through the rear or side of the truck.



Inside the Ford F-150, Criminalist Killian located 13 unfired .22 caliber cartridges, 1 fired .22 caliber cartridge casing, a baggie of suspected methamphetamine, a flashlight, and a pistol holster. She also collected a .22 caliber Jennings pistol from the bed of the truck.



Figure 010 – Photos taken by DOJ personnel, depicting clockwise from the top-right: 12 .22 caliber cartridges on the driver's seat (DOJ 37), a .22 caliber cartridge and a fired .22 caliber casing (DOJ 42), a pistol holster (DOJ 43), and a baggie of suspected methamphetamine (DOJ 40).



Figure 011 – Photo taken by DOJ personnel, depicting the .22 caliber Jennings semiautomatic pistol collected from the bed of the truck where YCSO Sergeant Mallory left it.

## Involved-Officer Processing

OIS Team personnel processed the involved officers, photographing them in the clothing they were wearing during the shooting, examining all their firearms, performing an inventory or “round count” of each weapon and magazine, and collecting as evidence any firearms that were fired during the OIS. The round count allows the investigators to determine the approximate number of cartridges fired from each weapon during the OIS.

Sutter County District Attorney (“SCDA”) Investigator J. Arana and YCPD Detective J. Thornton contacted the involved officers on September 25, 2024, around 1:00 a.m. Each of the officers was wearing an approved uniform displaying a badge on the front and department patches on the shoulders. Officer Atmar was wearing a more traditional blue police uniform. The other peace officers were wearing external ballistic vests with the word “SHERIFF” or “POLICE” emblazoned on the back. All of them were wearing a duty belt with a full-sized pistol in a holster on their hip. They were also carrying other related tools, such as spare magazines, Tasers, collapsible batons, radios, and handcuffs.

YCSO Deputies Manion, Paredes, and Young each said they fired their patrol rifle during the OIS. The rifles were secured at the scene inside their patrol vehicles. They said they did not fire their pistols. Investigator Arana examined each of their pistols along with their spare magazines, verifying that they had not fired any rounds from them.

Investigator Arana drove to the scene of the OIS and collected the patrol rifles used by the three deputies. Each of them had fired a department-issued Colt semiautomatic rifle. All the deputies’ spare magazines were full, indicating that none of them had reloaded during the OIS. The 30-round magazines used by the deputies can theoretically hold 30 cartridges but are generally only loaded with 28 or 29 to avoid problems with the loading mechanism. Deputy Arana performed a round count on each of the rifles with the following results:

- Deputy Manion had 19 cartridges remaining, indicating he fired 9 to 11 rounds;
- Deputy Paredes had 18 cartridges remaining, indicating he fired 10 to 12 rounds;
- Deputy Young had 21 cartridges remaining, indicating he fired 7 to 9 rounds.



Figure 012 – Photo taken by OIS Team personnel, showing Deputy Manion’s rifle during a roundcount conducted at the scene.



Officers Atmar and Mitchell had fired their pistols. The pistols carried by peace officers are normally carried at full capacity, with a round in the chamber and a full magazine. Handgun capacity is often annotated as the magazine capacity plus one, e.g. 17+1 for a Glock model 17.

Detective Thornton collected the 9mm Glock 17 pistol and spare magazines from Officer Atmar. The 17-round capacity spare magazines were full. He located a round in the chamber and 16 cartridges in the magazine in the pistol, indicating Officer Atmar fired one cartridge during the OIS.

Detective Thornton collected the 9mm Staccato 2011 pistol and spare magazines from Officer Mitchell. The spare magazines had a capacity of 17 rounds. They were both full. Detective Thornton located a 9mm cartridge in the chamber of the pistol and 12 cartridges in the magazine that was in the pistol. The magazine in the pistol had a capacity of 20, indicating that Officer Mitchell had fired 8 rounds during the OIS.

## **Witness Interviews**

### **YCSO Deputy Eck**

On September 25, 2024, at 1:52 a.m., SCDA Investigator L. Reusser interviewed YCSO Deputy Eck.

Deputy Eck has worked as a peace officer for YCSO for approximately five years. On September 24, 2024, he was working a swing shift assigned to the foothills. Deputy Eck was wearing a YCSO uniform and driving a marked patrol car.

That evening he was doing a “close patrol” of the Loma Rica Store due to recent break-ins. He was driving west on Fruitland Road when he saw a Ford F-150 truck with a white spray-painted rear bumper. The truck was being driven slowly east away from the store. The unusually slow speed of the truck combined with the proximity to the recent break-ins caused Deputy Eck to be suspicious. He applied his brakes and noticed the truck rapidly accelerated east on Fruitland Road. Deputy Eck turned around and began trying to catch up to the truck.

It took Deputy Eck three to five minutes to catch up to the truck. By this time, the truck was traveling south on Marysville Road. Deputy Eck glanced down at his speedometer and saw he was doing 90mph, noting that the truck was still pulling away. Deputy Eck turned on his emergency lights to initiate a traffic stop and radioed dispatch he was trying to catch up to a vehicle moving at a high rate of speed. The subject driving the Ford truck put his hand out of the driver’s window and pointed a light at Deputy Eck. Deputy Eck then activated his siren and alerted dispatch he was in pursuit. He also told dispatch about the light and his concern that it could be mounted to a weapon.

The pursuit continued south on Marysville Road, west onto Highway 20, and north onto Spring Valley Road. As the pursuit continued up Spring Valley Road, it clicked for Deputy

Eck that the Ford F-150 with the spray-painted white bumper was the vehicle driven by a suspect in a felony domestic violence case. Deputy Eck interviewed W-1 on Sunday, September 22, 2024, about acts of domestic violence committed by her ex-boyfriend, Donn Paul Moore. W-1 also told Deputy Eck that Mr. Moore drove a blue truck with the rear bumper spray-painted white, carried a small handgun on his person, and had made threats to commit suicide by cop. Deputy Eck had written a report and referred it to the district attorney's office for prosecution. Deputy Eck radioed dispatch that the suspect in the pursuit was likely Donn Moore, who was flagged for possession of a firearm.

The pursuit continued as the Ford truck turned north onto Marysville Road west on Fruitland Road, west on Virginia Road, and north on Smith Road, before turning south on Loma Rica Road. The driver of the truck flashed a light through the rear window of the truck at Deputy Eck.

YCSO Deputy Manion arrived and joined the pursuit southbound on Loma Rica Road just before Iowa City Road. YCSO Deputy Hammond, had gotten ahead of the pursuit and deployed a spike strip across Loma Rica Road, hoping to disable the Ford truck. The spike strip caught the truck, but it also caught the front-right tire on Deputy Eck's patrol vehicle. Deputy Eck stopped because his vehicle was disabled. He and Deputy Hammond were working to change the flat tire when they heard on the radio that shots had been fired.

#### CHP Officer Dagnino

On September 25, 2024, at approximately 2:00 a.m., SCDA Investigator B. Beecham interviewed CHP Officer Dagnino. Officer Dagnino has worked as a CHP officer for four years, assigned to the Yuba-Sutter Office for approximately a year.

On September 24, 2024, Officer Dagnino was working a regular patrol shift in the Yuba-Sutter area. Around 10:30 p.m., CHP dispatch informed him that YCSO was involved in a vehicle pursuit in the foothills. Officer Dagnino began listening to the YCSO radio traffic and learned that the suspect was possibly armed and had threatened "suicide by cop." He began driving toward the pursuit to see if he could assist.

Officer Dagnino waited on Highway 20 near Hallwood Boulevard. He could see a black Ford F-150 being followed by multiple patrol vehicles with their emergency lights activated. He could see sparks coming from the rear wheels of the F-150 and noticed they were only traveling at 25mph to 30mph as they entered Hallwood. Officer Dagnino made a U-turn and followed the pursuit at a distance with his rear amber emergency lights flashing. CHP Officer Touchet arrived and began driving his patrol vehicle side-by-side with Officer Dagnino behind the pursuit.

Officer Dagnino saw the Ford F-150 stop in the roadway with four to five patrol vehicles behind it. Officer Dagnino believed all the patrol vehicles were from YCSO. Officers Dagnino and Touchet also stopped their patrol vehicles.

As Officer Dagnino got out of his patrol vehicle, he saw the driver of the F-150 exit the truck, and yell statements similar to “I’m gonna fucking shoot all you guys,” or “I’m gonna fucking kill all you cops.” Officer Dagnino was fearful that the subject was going to fire a weapon at law enforcement and possibly kill him or someone else. The subject got back into the truck and started moving forward again. The tires provided little to no traction and the truck stopped again after moving up 15’ to 20’. The subject kept attempting to accelerate, spinning the tires and causing sparks to fly.

Officer Dagnino moved his patrol vehicle up. As he was exiting his vehicle, Officer Dagnino heard approximately 15 gunshots. He heard other officers giving commands to the subject to exit the vehicle and stating they wanted to help him. They were also offering the subject medical aid. This went on until SWAT arrived 20 to 30 minutes later.

### YCSO Sergeant Bradon Mallory

On October 10, 2024, SCSO Deputy J. Lopez interviewed YCSO Sergeant Bradon Mallory.

YCSO Sergeant Mallory was home asleep on September 24, 2024, when he received a phone call from dispatch at 10:59 p.m. He was initially requested as a drone pilot, but that changed to a SWAT deployment while he was enroute to the sheriff’s office. Sergeant Mallory arrived and deployed the armored SWAT Bear Cat vehicle just after 11:30 p.m.

When he arrived on scene, Sergeant Mallory drove the Bear Cat up to the passenger side of the truck. He could not get the Bear Cat into position to get a clear view. Sergeant Mallory repositioned the Bear Cat to the other side of the vehicle while YCSO Sergeant Trumm assembled a team. The team approached the truck to remove the driver from the vehicle. During that process, Sergeant Mallory noticed a firearm laying on the driver’s lap. He immediately removed the firearm and placed it in the bed of the Ford truck. The other team members removed the driver. Deputy Hammond, who is a paramedic, assessed the driver and pronounced him deceased.

### YCSO Deputy Shaun Hammond

On October 8, 2024, SCSO Deputy J. Lopez interviewed YCSO Deputy Shaun Hammond.

On September 24, 2024, Deputy Hammond was working patrol as a field training officer. He was doubled in a marked YCSO patrol vehicle with Deputy Trainee Albert Ramirez. They heard about Deputy Eck’s pursuit and positioned themselves ahead of the pursuit to deploy “Stop Sticks,” which are designed to deflate the tires of a vehicle. They successfully deployed the sticks, striking three of the Ford truck’s tires. Deputy Eck’s vehicle unfortunately also struck the sticks. Deputies Hammond and Ramirez helped Deputy Eck change his flat tire.

A short time later they heard radio traffic that the truck had stopped and the driver had a gun. Deputies Hammond and Ramirez arrived at the scene of the OIS about 20 to 30

seconds after the shooting. Deputy Hammond saw the truck in a driveway with the wheels still spinning, throwing sparks. Deputy Hammond, who is also a paramedic, grabbed his medical bag and waited for SWAT to arrive.

Once SWAT personnel removed the driver from the vehicle, Deputy Hammond evaluated him. Deputy Hammond found obvious signs of death. The driver had no palpable heart rate, his pupils were fixed and dilated, he was cyanotic, pale, and cool to the touch.

#### W-1

Yuba County District Attorney Investigator C. Alestra and SCDA Chief Investigator B. Oakley contacted W-1 on September 25, 2024, at approximately 4:00 a.m.

W-1 told them that she and Mr. Moore had dated for three or four months, ending in August of 2024. Mr. Moore did not want the relationship to end and had continued to contact her regularly.

W-1 described multiple instances of domestic violence and threats that had prompted her to end their relationship. He had threatened to kill her and commit suicide. She described one instance where he pulled a handgun from his waistband and held it to his own head, saying “I’ll hold it, you pull the trigger” and “put me out of my misery.” Not knowing that Mr. Moore had died, she warned Investigator Alestra that she should be wary if they do try to arrest him, “he said he would shoot it out with the cops if he had to.” She said that he had told her he had a warrant out of Reno and that he wasn’t going back to prison.

#### W-2

On September 24, 2024, at approximately 11:30 p.m., a person called YCSO to report that W-2 had been on the phone with Mr. Moore during the pursuit and shooting. Dispatch relayed that information to the OIS Team.

On September 25, 2024, YCPD Detectives Swallow and Jackson met with W-2. W-2 said he received a call on his phone through FaceTime from Mr. Moore. W-2 could tell that Mr. Moore was involved in a high-speed chase with the police. W-2 did not know how or why the chase began. Mr. Moore told W-2 that he was not planning on stopping for the police and that he “was not going back to prison.” W-2 explained that Mr. Moore was wanted for a hit-and-run locally, and that he was facing prison time for a case in Nevada.

W-2 begged and pleaded with Mr. Moore to stop and to throw his gun out the window.

W-2 was still on the call with Mr. Moore when the pursuit ended. W-2 told the detectives that he could hear the police yelling at Mr. Moore to get out of his car. W-2 heard five or six shots fired “between him and them.” He did not know if Mr. Moore shot himself or was shot by the police. After the shooting, W-2 heard the police yelling for Mr. Moore to put his hands up and come out of the truck. After about an hour he had someone call YCSO to let them know that Mr. Moore was unresponsive.

## Involved-Party Interviews

### YCPD Officer Asseal Atmar

SCDA Investigator J. Arana and Lieutenant Mercey Garcia interviewed Officer Atmar on October 1, 2024, at approximately 11:23 a.m. Officer Atmar agreed to speak with the investigators and gave a voluntary statement.

Officer Atmar graduated from the Butte College Law Enforcement Academy in June 2024. He was sworn in as a police officer with the Yuba City Police Department (“YCPD”) on June 27, 2024, and was in the final phase of field training.

On September 24, 2024, Officer Atmar was working a regular night shift from 6:00 p.m. to 6:30 a.m. with his Field Training Officer, YCPD Officer Allec Mitchell. Atmar was wearing a blue YCPD uniform with a badge on his chest, and department patches on his shoulders. Officer Atmar was wearing a duty belt equipped with a 9mm Glock Model 17 pistol, two spare magazines, handcuffs, a radio, and a collapsible baton. He was also wearing a body-worn camera (“BWC”) on the front of his shirt.

Sometime during the evening of September 24, 2024, Officer Mitchell received a request to aid YCSO with a vehicle pursuit. They responded to the area of Browns Valley with their lights and sirens activated. Officer Mitchell drove.

While they were responding, Officer Atmar listened to the radio updates regarding the pursuit. He heard the suspect in the pursuit was “flagged” for “suicide-by-cop.” They joined the pursuit and took the lead position behind the suspect vehicle.

The suspect vehicle drove over a spike strip that caused the vehicle’s tires to “evaporate” and lose traction, sliding from side to side. Officer Atmar recalled at one point being able to see inside the suspect vehicle when it turned to the side. He saw the driver looked angry and agitated, moving up and down on his seat and moving his hands up and down. He also observed the driver point something at him and saw four or five on/off circular flashes of light. The suspect vehicle continued to move slowly away with sparks and smoke coming from under the vehicle’s rims.

The truck eventually stopped, though the wheels continued to spin causing smoke and sparks. Officer Atmar’s patrol vehicle was positioned behind the truck and slightly to the side. Officer Atmar stood behind the open passenger door of the patrol vehicle, pointing his duty weapon at the truck. He heard popping noises but was unsure if the noises were gunshots.

He then saw Mr. Moore open the driver’s side door, step out, and turn his upper body back to face them. Officer Atmar saw Mr. Moore was holding a silver color handgun with his right hand. Officer Atmar could hear other officers giving commands. He saw the barrel of the gun and believed Mr. Moore was pointing the gun directly at him. Officer Atmar yelled “gun,” and took cover to avoid being shot.

Officer Atmar then heard one gunshot coming from the direction of the truck, and then multiple shots from the officers. Officer Atmar stood up and was able to see Mr. Moore in the driver's seat. Mr. Moore had not surrendered, and Officer Atmar believed he continued to pose a deadly threat to them. Officer Atmar fired one round at Mr. Moore. He did not fire any further rounds because he lost sight of Mr. Moore.

The shooting stopped and Officer Atmar saw Mr. Moore's truck turn left into a driveway. He could not see Mr. Moore from his vantage. A supervisor had someone start issuing commands to Mr. Moore, e.g., "we want to help you . . . can you come out with your hands up." They held their positions and continued issuing commands without success until SWAT arrived. The SWAT truck was used to get close to Mr. Moore's truck. Officers removed Mr. Moore from the truck. It appeared that Mr. Moore was deceased.

### YCSO Deputy Earl Manion

On September 30, 2024, YCPD Detective B. Beecham and YCPD Sergeant Santanna interviewed YCSO Deputy Manion. Deputy Manion agreed to speak with the investigators and gave a voluntary statement.

Yuba County Sheriff's Deputy Early Manion has been a peace officer for approximately six years, working full-time for YCSO for approximately two years. On September 24, 2024, Deputy Manion was working a regular patrol shift in the Arboga area of Yuba County.

Deputy Manion was wearing a YCSO uniform with a gold-colored badge on his chest, department patches on his shoulders, and the word "SHERIFF" stitched in large yellow letters on the front and back of his vest. Deputy Manion was equipped with a 9mm Sig Sauer P320 pistol, two spare magazines, a Taser, pepper spray, hand cuffs, a radio, and a collapsible baton. Deputy Manion was driving a marked YCSO patrol vehicle and wearing a body-worn camera ("BWC") on his vest.

At approximately 10:30 p.m. on September 24, 2024, Deputy Manion heard Deputy Eck was in a pursuit. He heard Deputy Eck say the driver he was pursuing was a suspect in a felony domestic violence, was possibly armed, and had threatened "suicide by cop." Deputy Manion activated his emergency lights and began driving toward the pursuit.

Deputy Manion met the pursuit as it traveled south on Loma Rica Road. Deputy Manion saw the suspect vehicle was a dark-colored Ford pickup truck followed by Deputy Eck with emergency lights and siren activated. Deputy Manion turned around and joined the pursuit. Shortly thereafter, another officer deployed a spike strip. The spike strip disabled Deputy Eck's vehicle and Deputy Manion took over. A YCPD K-9 unit joined a few minutes later and took the lead, leaving Deputy Manion in the second position.

As they traveled through Hallwood on Highway 20, the Ford truck became disabled and slowed. The driver of the truck continued to press the accelerator, causing the truck's rear wheels to spark. The truck then stopped and the driver, later identified as Mr. Moore,

opened the driver's door and yelled "I wanna shoot you guys!" Mr. Moore got back in the truck and resumed spinning the wheels, creating smoke and sparks.

Deputy Manion saw that several other deputies had arrived, along with a CHP unit. He was concerned because he knew there were 10 to 15 houses nearby. He also saw headlights of an oncoming vehicle.

Deputy Manion exited his patrol vehicle with his rifle and moved two or three times looking for a safe backdrop in case he had to shoot. He yelled at Mr. Moore to "get out of the vehicle" multiple times. The YCPD patrol vehicle moved closer to the truck. Deputy Parades said he heard shots coming from the truck. Deputy Manion believed he heard one shot. Deputy Manion and Deputy Paredes moved up to the passenger side of the YCPD unit. A CHP officer moved Deputy Manion's patrol vehicle forward. Deputies Manion and Parades took up a position at the rear of Manion's patrol vehicle.

Mr. Moore was still revving the engine of the Ford truck, spinning the tires. Deputy Manion saw Mr. Moore point something in his direction. He could not tell what it was, but then saw two muzzle flashes. Deputy Manion believed Mr. Moore was shooting at them, and he and the other officers were in danger of being killed. Deputy Manion fired his rifle approximately four to seven times at Mr. Moore through the rear window of the Ford Truck. Deputy Manion observed the truck move slowly toward a driveway.

YCSO Sergeant Moore, Deputy Paredes, and Deputy Manion gave verbal commands for Mr. Moore to exit the truck. This continued for 15-30 minutes until SWAT arrived.

#### YCPD Officer Allec Mitchell

On October 1, 2024, at approximately 10:00 a.m., YCDA Investigator James Perin and SCDA Investigator Leticia Reusser interviewed YCPD Officer Mitchell. Officer Mitchell agreed to provide a voluntary statement.

YCPD Officer Mitchell graduated from a police academy in 2017 and has worked as a police officer for YCPD since that time. Officer Mitchell serves as a field training officer and has training and certification as a SWAT officer and firearms instructor.

On September 24, 2024, Officer Mitchell was wearing a Yuba City Police uniform with department patches on his shoulders. He also wore an external ballistic vest with a badge on the front and the word "POLICE" in large letters on the back. Officer Mithcell was equipped with a 9mm Stacatto 2011 pistol, and two spare magazines.

Officer Mitchell was working patrol on September 24, 2024. He had heard that YCSO was involved in a pursuit. YCPD Sergeant K. Gibson notified him that YCSO was requesting a K-9 unit to assist the pursuit. Sergeant Gibson also related that the suspect in the pursuit was a suspect in a domestic violence and may be in possession of a firearm.



Officer Mitchell met the pursuit on Loma Rica Road near Los Quintas. He joined the pursuit and assumed the primary position directly behind the suspect truck. Officer Mitchell noticed the truck's tires had been "spike stripped" and were going flat. When the truck reached the intersection with Highway 20 the truck began to swerve, lost control, and spun-out. Officer Mitchell thought he saw the suspect, later identified as Mr. Moore, attempt to exit the truck, but then it continued westbound in the wrong lane. The truck was now riding on its rims causing sparks and smoke. The truck slowed and then stopped as they exited Hallwood on Highway 20.

Officer Mitchell got out of the patrol vehicle with his pistol drawn to conduct a high-risk stop. The truck moved forward and Officer Mitchell got back into the patrol vehicle to move it forward as well. The truck stopped again, and Officer Mitchell saw Mr. Moore open the driver's door and yell "I'll fucking kill you!"

Officer Mitchell got back out and pointed his pistol in the direction of the truck. Officer Mitchell then observed something come out of the driver's window and point in his direction. He wasn't sure what it was, but then heard several of the officers yell "drop the gun!" Officer Mitchell then observed Mr. Moore fire one shot. Officer Mitchell was afraid for his own safety, and the safety of the other officers. Officer Mitchell could see Moore's outline through the rear window. Officer Mitchell aimed his pistol at Mr. Moore and fired eight times at his silhouette in the rear window.

Officer Mitchell heard the engine rev and saw the truck drift off the highway into a driveway. The truck's wheels continued to spin, causing sparks and smoke. Officer Mitchell heard other officers issuing commands for Mr. Moore to drop the gun and exit the truck. The truck began to idle again and officers continued making announcements while they waited for SWAT.

Officer Mitchell went up with a team behind the SWAT truck. When they saw Mr. Moore was not reacting to their actions, one of the officers opened the door and another removed him from the truck. Someone declared that Mr. Moore was deceased.

Officer Mitchell said there were no safe opportunities to deploy lesser force options, such as his K-9 partner, a Taser, or OC Spray.

### YCSO Deputy Bonifacio Paredes

On September 30, 2024, at approximately 11:00 a.m., YCDA Investigators J. Perin and C. Alestra interviewed Deputy Paredes at the Yuba County Sheriff's Office. Deputy Paredes provided a voluntary statement.

YCSO Deputy Paredes graduated from the police academy in 2019. He has worked patrol as a deputy sheriff for Yuba County for approximately four years.

On September 24, 2024, Deputy Paredes was working a patrol shift. He wore a YCSO uniform with a gold-colored badge on his chest, department patches on his shoulders, and the word "SHERIFF" stitched in large yellow letters on the front and back of his vest.



Deputy Paredes was equipped with a 9mm Glock 17 pistol, two spare magazines, and other equipment. Deputy Paredes was driving a marked YCSO patrol vehicle and wearing a body-worn camera (“BWC”) on his vest.

Deputy Paredes said he was on an unrelated call when he heard that Deputy Eck had a vehicle failing to yield in Loma Rica. After Deputy Eck radioed he was in pursuit, Deputy Paredes drove towards the pursuit with his emergency lights and siren activated.

Deputy Paredes caught up to the pursuit just as it stopped in Hallwood. He heard a jumble of radio traffic, including that the suspect had a firearm. Deputy Paredes saw there were five or six officers already on scene. He noticed the suspect truck was spinning its tires causing sparks.

Deputy Paredes retrieved his patrol rifle and took a position near YCSO Sergeant Moore’s patrol vehicle. Sergeant Moore was making announcements using a public address system, saying things like “stop the vehicle, exit the vehicle, we don’t want to hurt you.” Deputy Paredes could not see the driver of the truck due to the heavy smoke being created by the spinning tires.

The suspect truck moved forward slightly and a YCPD patrol vehicle moved up also. Deputy Paredes moved up along the passenger side of the YCPD vehicle. While he was moving up, Deputy Paredes believed he heard two muffled gunshots. He observed two bullet holes in the rear window of the truck and asked “who shot?” Deputy Paredes saw another patrol vehicle pull up and he moved over to it for cover.

Deputy Paredes observed a light shining through the rear window of the truck at him. It was moving left to right. Deputy Paredes did not know if it was a weapon-mounted light, but believed it was pointing at him. Deputy Paredes moved back for better cover. He then saw the subject inside the truck stick his arm out of the driver’s side window. The subject was holding what appeared to be a black revolver. The subject fired a round in the air and then lowered the muzzle so it was pointing directly at Deputy Paredes.

Deputy Paredes was in fear for his life and the lives of the other officers. He aimed at the subject and fired five to seven times through the truck’s rear-side window. He stopped firing when he could no longer see the driver’s arm and firearm. The truck moved forward slightly and Deputy Paredes moved again, continuing to aim his rifle at the truck.

Deputy Paredes saw YCSO Sergeant Moore position his patrol vehicle closer to the truck and continue making announcements, e.g., “we want to get you some help,” or “stop the pickup.” Once SWAT arrived, a small team approached the truck and removed the subject, who was deceased.

### YCSO Deputy Justin Young

Sutter County Sheriff’s Detectives S. Basi and T. Evans interviewed Deputy Young on the afternoon of September 30, 2024. Deputy Young chose to provide a voluntary statement.

Deputy Young graduated from the police academy in 2016. He has worked as a sheriff's deputy for Yuba County since June of 2016. Deputy Young is a member of the SWAT team, and serves in multiple extra-duty positions, including firearms instructor.

On September 24, 2024, Deputy Young was working a patrol shift in the unincorporated areas of the valley. He started his shift at 3:00 p.m. He was wearing a YCSO uniform with a gold-colored badge on his chest, department patches on his shoulders and the word "SHERIFF" stitched in large yellow letters on the front and back of his vest. Deputy Young was equipped with a 9mm Glock pistol, two spare magazines, and other safety equipment. Deputy Young was driving a marked YCSO patrol vehicle and wearing a body-worn camera on his vest.

Deputy Young said that on September 24, 2024, he was patrolling the unincorporated area of District 10 when he heard Deputy Eck alert dispatch that he was trying to catch up to a vehicle traveling at a high rate of speed. Because Deputy Eck was the only deputy on duty in the foothills, Deputy Young immediately started that direction. Deputy Eck then put out that he was in pursuit, and that the speeding subject was a domestic violence suspect known to carry a firearm and who had threatened to commit suicide-by-cop. After getting permission from the on-duty sergeant, Deputy Young activated his emergency lights and siren.

Deputy Young was unable to catch up to the pursuit until it entered Hallwood. He observed the suspect vehicle's tires were deflated, it was moving slow, and fishtailing. The truck finally stalled and was just spinning its tires, but not moving. Deputy Young parked his patrol vehicle about 10 yards behind the other law enforcement personnel that were already on scene.

Deputy Young initially advanced to the driver's side of the YCPD patrol vehicle where Officer Mitchell was standing. Deputy Young heard the subject yelling, but could not understand what he was saying. It was difficult to hear because of the noise the spinning wheels were making on the asphalt. Deputy Young could hear Sergeant Moore making announcements over the public address system, e.g. "we don't want to hurt you." He could also hear officers to his right making similar announcements. Deputy Young went back to his patrol vehicle and retrieved his patrol rifle.

Deputy Young went back to the driver's side of the YCPD patrol vehicle and positioned himself with his rifle through the patrol vehicle's open driver's window. He could still hear commands being given over the PA system.

Deputy Young saw the subject point something back at him. Initially he wasn't sure what it was, but then realized it was a gun. Deputy Young took a knee behind the open door because he was scared. He then looked back and saw the subject was pointing the gun at him. He then saw a muzzle flash and heard several rounds pop off. Deputy Young, who was now very scared, fired five to seven rounds at the subject.

All the shooting stopped, but then the truck started moving towards a driveway. Deputy Young knew there were residences on that side of the street and oncoming traffic that had stopped on the highway. Deputy Young was scared the subject might get traction in the driveway and make it to the residence. Based on his actions already taken, Deputy Young believed the subject was likely to take the residents hostage or worse. He was so concerned for the public he believed he had to stop the subject right there. Deputy Young fired one additional round at the subject and the truck stopped.

Sometime after the truck stopped, Deputy Young retrieved his night vision device and moved to a position where he might be able to see inside the truck. He didn't see movement inside the truck, but he couldn't see the subject. Sergeant Moore had requested SWAT. They arrived a short time later and formulated a plan. Deputy Young used a shotgun to fire a "less lethal" munition to break out the driver's side window. As they approached and didn't see any movement, one of the deputies extracted the subject from the vehicle. Another deputy with paramedic experience pronounced the subject deceased.

## **Review of Video Evidence**

OIS Team members collected all available video evidence, finding that there was relevant video from car-mounted cameras from three patrol vehicles and five body-worn cameras.

### **YCPD Car-Mounted Camera**

The video with the highest evidentiary value came from the car-mounted camera in YCPD Officer Mitchell's patrol vehicle. Once Officer Mitchell arrived and took the first position in the pursuit he remained directly behind the Ford F-150 until the incident was over. This position gave the camera in his car the best view of what the officers may have perceived during the incident.

The video corroborated the statements of the officers about what happened during the incident. It clearly shows that Mr. Moore ignored all the officers' commands to surrender. It shows Mr. Moore stood up in the doorway of his truck and grabbed something out of his waistband. The video shows that Mr. Moore pointed a firearm at the officers during the standoff and then fired it. While a close review of the video shows that he fired the pistol into the air, the officers did not have the luxury of calling a timeout for an instant replay. The video shows professionalism and control in the face of a deadly threat, with an eight-second exchange of gunfire and then one additional shot when the truck started rolling toward the driveway.

### **CHP Car-Mounted Cameras**

The video from the car-mounted cameras in the CHP patrol vehicles was of limited value and was primarily used to understand and verify the movements of the officers who were

closer to the Ford F-150. The video from Officer Dagnino's patrol vehicle does show Mr. Moore exiting his vehicle, but being further away was less helpful than the video from Officer Mitchell's vehicle.

### Body-Worn Cameras

The videos from the body-worn cameras were of limited value. The officers were taking positions of cover behind the various patrol vehicles and aiming their rifle or pistol toward the Ford F-150. Body-worn cameras are mounted in the center of the chest. While the officers could see the truck and Mr. Moore, the cameras mounted on their chests were often obstructed by the patrol vehicles and weapons. The video from the body-worn cameras was useful in that it helped determine the individual movements of the officers.

### Autopsy

On October 1, 2024, Dr. Sam Andrews performed a full autopsy of Mr. Moore's body at the Placer County Morgue. The autopsy was attended by OIS Team members from the SCSO, as well as YCSO Deputy Coroner Burdick, and various lab and forensic technicians.

Dr. Andrews determined Mr. Moore died within seconds from a gunshot wound to the back of his head. The doctor wrote the following summary:

At autopsy, an entrance gunshot wound was on the back of the right side of the head (parietal scalp) that resulted in bleeding on the surface of the brain (subdural and subarachnoid hemorrhages), bruises of the brain (cerebrocortical contusions), and fractures (breaks) of the skull. Two fragments of lead were found in the right side of the brain (frontal lobe). A graze gunshot wound was on the top of the left side of the head (parietal scalp). Several scattered punctate abrasions (skin scrapes), some with lacerations (skin tears), were on the left cheek, left neck, parietal scalp, left side of the scalp (temporal scalp), and right side of the back of the head (occipital scalp). One abraded laceration on the left cheek contained a fragment of lead, and one abraded laceration on the right parietal scalp contained a fragment of lead with copper jacket. Additional abrasions were on the lower left back, left forearm, and hands.

Toxicological testing on the postmortem blood demonstrated methamphetamine, amphetamine, and THC.

The gunshot wound of the right parietal scalp contained a large laceration with an underlying keyhole-like defect in the bone suggestive of the bullet striking the head in a tangential manner. The punctate abrasions with lacerations were consistent with shrapnel-type injuries caused by fragmented bullets.

The Toxicology report from NMS labs indicated Mr. Moore's post-mortem blood had 990 ng/mL of methamphetamine. The report indicates that "blood levels of 200-600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior."

### **Forensic Firearm Analysis**

Forensic firearm analysis was not conducted in this case.

## LEGAL STANDARD

This section outlines the legal standards and rules applicable under California criminal law in this case.

### Murder

Murder is the unlawful killing of a human being with malice aforethought. (Pen. Code § 187(a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Pen. Code § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The murder required for second degree murder may be express or implied. (Pen. Code § 188; *People v. Hernandez, supra*, 183 Cal.App.4th at p. 1332.) Malice is express when there is an “intent to kill.” (Pen. Code § 188; *People v. Delgado* (2017) 2 Cal.4th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

### Self-Defense

The use of deadly force, even homicide, is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide, attempted homicide, or assault with a deadly weapon. (*People v. Sotelo-Urena* (2016) 4 Cal.App.5th 732, 744.) When a person is charged with homicide and claims self-defense, the prosecution must prove beyond a reasonable doubt that the offense was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 *et. seq.* set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code § 197 [listing circumstances where homicide committed by “any person” is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary”: (1) “to defend against an imminent threat of death or serious bodily injury to the officer or to another person”; or (2) to apprehend a fleeing person who has committed a felony “that threatened or resulted in death or serious bodily injury,” and the officer “reasonably believes that the person will cause death or serious bodily injury” if not immediately apprehended. (Pen. Code § 835a(c)(1); see Pen. Code § 835a(a)(2) [peace officers may lawfully use deadly force “only when necessary in defense of human

life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine whether deadly force is necessary, “officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” (Pen. Code § 835a(a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

A threat of death or serious bodily injury is “imminent” when, based on the “totality of the circumstances,” a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code § 835a(e)(3).) De-escalation methods, tactics, the availability of less lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code § 835a(a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal. App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

## Burden of Proof

A prosecutor bears the burden of proving a criminal defendant's guilt beyond a reasonable doubt. (Pen. Code § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 ["A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt," quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant's burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384; see *People v. Breverman* (1998) 19 Cal.4th 142, 156 [when defendant claims self-defense or defense of others, or there is substantial evidence supportive of defense, the jury will be instructed that the prosecutor bears the burden of disproving this defense beyond a reasonable doubt].) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.



## LEGAL ANALYSIS

The OIS Team conducted an independent investigation of the shooting of Donn Moore on September 24, 2024. The Yuba County District Attorney's Office has analyzed all of the evidence available from the investigation, including police reports, witness statements, dispatch records, radio transmissions, photographs, and video evidence.

The legal analysis of the initial volley of gunfire and the last round fired by Deputy Young must be analyzed separately because the defenses are different. All of the involved officers said that they fired their duty weapons during the initial gunfire to defend against an imminent threat of death or serious bodily injury to themselves or their fellow officers. This claim will be analyzed under Penal Code section 835a(c)(1)(A) concerning self-defense and defense of others. Deputy Young fired the last round at Mr. Moore to stop him from escaping up the driveway of a rural residence. This claim will be analyzed under Penal Code section 835a(c)(1)(B) concerning the apprehension of fleeing felons.

### Initial Exchange of Gunfire

To hold the involved officers criminally liable for murder, the People would have to prove that YCPD Officers Mitchell and Atmar and YCSO Deputies Manion, Paredes, and Young did not act in self-defense or defense of others. An analysis of the evidence in this case shows each of the officers and deputies actually and reasonably believed deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself or others. Accordingly, the initial shooting was justified, and it would be inappropriate to charge any of the officers with a crime.

#### Subjective Belief – Necessity of Deadly Force

All five officers waived their right to remain silent and gave a full interview. Each articulated their subjective belief that that Donn Moore was shooting a pistol at them, posing an imminent threat of death to themselves and/or their fellow officers. Each expressed that they fired their duty weapon to stop Mr. Moore from killing one of them.

- Officer Atmar stated in his interview that Mr. Moore pointed a silver pistol directly at him. He yelled “gun” and ducked to avoid being shot, before standing back up and firing one round at Mr. Moore.
- Deputy Manion saw Mr. Moore point something at him and then saw two “muzzle flashes” from the object. Deputy Manion believed Mr. Moore was shooting at them, and he and the other officers were in danger of being killed. Deputy Manion fired his rifle approximately four to seven times at Mr. Moore through the rear window of the Ford Truck.

- Officer Mitchell observed Mr. Moore point something in his direction. He wasn't sure what it was, but then heard several officers yell "drop the gun!" Officer Mitchell then observed Mr. Moore fire one shot. Officer Mitchell was afraid for his own safety, and the safety of the other officers. Officer Mitchell could see Moore's outline through the rear window. Officer Mitchell aimed his pistol at Mr. Moore and fired eight times at his silhouette in the rear window.
- Deputy Paredes saw Mr. Moore stick his arm out of the driver's side window, holding what appeared to be a black revolver. The subject fired a round in the air and then lowered the muzzle so it was pointing directly at Deputy Paredes. Deputy Paredes was in fear for his life and the lives of the other officers. He aimed his patrol rifle at the subject and fired five to seven times through the truck's rear-side window.
- Deputy Young saw Mr. Moore point something back at him. Initially he wasn't sure what it was, but then realized it was a gun. Deputy Young took a knee behind the open door because he was scared. He then looked back and saw the subject was pointing the gun at him. He saw a muzzle flash from Moore's gun and heard several rounds pop off. Deputy Young, who was now very scared, fired five to seven rounds at Mr. Moore.

### Objectively Reasonable Belief – Necessity of Deadly Force

The entire incident was recorded. The radio traffic was recorded. The officer's actions were recorded by a myriad of car-mounted and body-worn cameras. A review of the evidence shows the officers' belief that deadly force was necessary to defend against a deadly threat was objectively reasonable under the totality of the circumstances. The following evidence would lead a reasonable officer to believe that Mr. Moore had the present ability, opportunity, and intent to cause death or great bodily injury.

Each of the peace officers knew that Mr. Moore had attempted to elude a YCSO Deputy by fleeing at high speed. Reckless evasion indicates the suspect is prepared to take extraordinary measures to avoid being caught. Reckless evasion of a peace officer is by itself a red flag that necessitates the use of special high-risk tactics, including the deployment of spike strips, detention of the vehicle occupants at gunpoint, and possibly the deployment of a police K9.

Each of the officers knew that the suspect was possibly armed with a firearm and/or that he had threatened to commit "suicide my cop." An individual with a gun poses a dramatically higher risk to an officer. The risk to the officers escalates even more when that armed individual is willing to die, perhaps even hoping to die at the hands of the police.

Shortly after stopping, Mr. Moore opened the driver's door and yelled at the officers while reaching into his waistband. Several of the officers were able to hear what Mr. Moore said:

- As CHP Officer Dagnino got out of his patrol vehicle, he saw Mr. Moore exit the truck, and yell statements similar to “I’m gonna fucking shoot all you guys,” or “I’m gonna fucking kill all you cops.”
- When the truck then stopped, YCSO Deputy Manion saw Mr. Moore open the driver’s door and yell, “I wanna shoot you guys!”
- When the truck stopped, YCPD Officer Mitchell saw Mr. Moore open the driver’s door and yell, “I’ll fucking kill you!”

Whether Mr. Moore had an ulterior motive in making them, his threats to kill the officers reasonably evidenced an intent to cause death or great bodily injury to them.

The video from YCPD Officer Mitchell’s car-mounted camera clearly corroborates the officers’ statements that Mr. Moore fired and/or pointed a handgun at them. Due to the smoke and reflection of lights, it is difficult to see in the video the details of the object pointed at the officers by Mr. Moore. However, at 10:52 p.m. and 54 seconds, the video clearly shows Mr. Moore discharge the firearm. This conclusively establishes that Mr. Moore had the present ability and opportunity to inflict death or great bodily injury on the officers.

The scene was loud and chaotic, with engine revving, wheels grinding the asphalt, smoke obscuring, and sparks flying. The officers had different vantage points and remembered different details of what unfolded over the next three minutes. They did not have the luxury of 20/20 hindsight or instant-replay. Under the totality of the circumstances, any objective law enforcement officer would have reasonably believed that deadly force was necessary in the situation to defend themselves and the other officers.

In the span of 8 seconds, the 5 law enforcement officers fired a total of 34 to 40 rounds at Mr. Moore. This was not excessive under the circumstances, each officer individually firing no more than 7 to 12 rounds. The video shows they fired a volley based on the threat and then paused to reassess. This was perfectly reasonable under the circumstances.

## **Last Round Fired**

To hold Deputy Young criminally liable for his last round, the People would have to prove beyond a reasonable doubt that he did not subjectively and reasonably believe that Mr. Moore would cause death or serious bodily injury to another unless immediately apprehended.

### **Subjective Belief – Necessity of Deadly Force**

YCSO Deputy Young voluntarily provided a statement to OIS Team investigators. Deputy Young stated that after the initial volley of fire, he observed that the Ford F-150 moving toward the driveway of a residence located on the side of the highway. Deputy Young was scared

the subject might get traction in the driveway and make it to the residence. Based on the actions already taken by Mr. Moore, Deputy Young believed he was likely to enter the residence and take the residents hostage or worse. He was so concerned for the public he believed he had to stop Mr. Moore right there. Deputy Young fired one additional round at the subject, and the truck stopped.<sup>3</sup>

### Objectively Reasonable Belief – Necessity of Deadly Force

The following evidence would lead a reasonable officer to believe that deadly force was necessary to stop Mr. Moore from fleeing because he would cause death or serious bodily injury to another unless immediately apprehended. These are the facts as perceived by Deputy Young.

- Mr. Moore refused to yield to YCSO Deputy Eck's attempt to pull him over.
- Mr. Moore recklessly fled from Deputy Eck at high speed.
- Mr. Moore was armed and had threatened to commit "suicide by cop."
- Mr. Moore continued to flee after his vehicle became disabled by a spike strip.
- Mr. Moore continued to try to flee even after his truck lost traction.
- Mr. Moore pointed a semiautomatic pistol at the officers.
- Mr. Moore fired his pistol at them at least once.

These actions demonstrated to any reasonable officer that Mr. Moore was absolutely committed to escaping the police. Mr. Moore had the present ability, opportunity, and intent to cause death or serious bodily injury to anyone that stood in his way.

Deputy Young's concern for the residents at the end of the driveway was well founded and he acted reasonably under the totality of the circumstances.

## CONCLUSION

Based on the review of investigation and evidence, along with the analysis of the facts, applicable statutes, and legal principles, the shooting of Donn Moore by YCSO Deputies Manion, Paredes, and Young, and YCPD Officers Mitchell and Atmar on September 24, 2024, was justified. As such, no criminal action will be taken against them for their use of force in this case.

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<sup>3</sup> The trajectory of the fatal bullet likely passed through the truck's rear window, headrest, and into the back of Mr. Moore's head. Given that likely trajectory, Deputy Young's final round likely did not hit Mr. Moore.