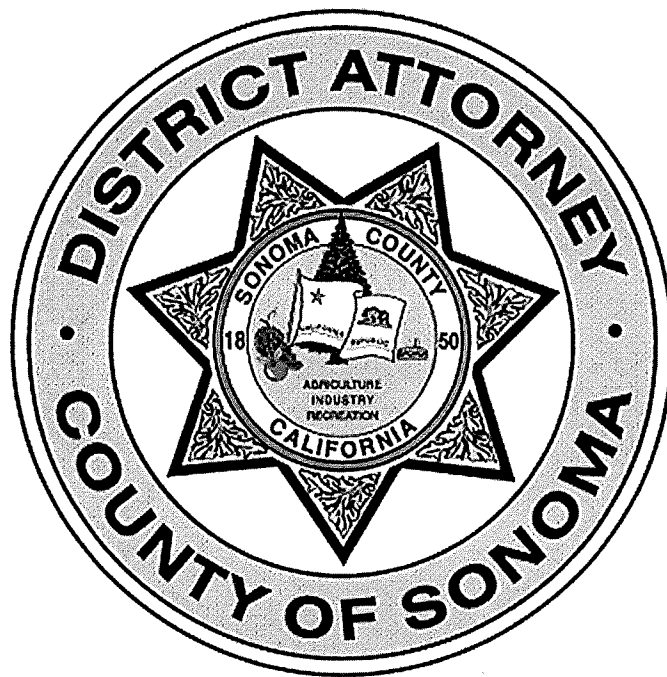


**LAW ENFORCEMENT EMPLOYEE-INVOLVED FATAL
INCIDENT REPORT**



Employer Agency: Sonoma County Sheriff's Department
Napa County Sheriff's Department

Investigating Agency: Petaluma Police Department
Decedent Miguel Angel Garcia-Morran
Date of incident April 02, 2014

Report Prepared by:
SONOMA COUNTY DISTRICT ATTORNEY

TABLE OF CONTENTS

I	INTRODUCTION	1
II	SCOPE OF REVIEW	1
III.	STANDARD OF REVIEW.....	1
IV.	SUMMARY OF FACTS	3
VI.	CONCLUSION.....	14

I. INTRODUCTION

On April 2, 2014 Miguel Angel Garcia- Morran died as a result of a self-inflicted gunshot wound to his chest which occurred during an attempt by Deputies from the Sonoma and Napa County Sheriff's Office SWAT (Special Weapons and Tactics) teams to arrest him for an outstanding felony warrant from Napa County and to serve a search warrant in Kenwood, California. The arrest warrant related to numerous weapons charges, possession of stolen property and child endangerment charges that he failed to appear for in Napa County. The search warrant related to a recent drive by shooting that occurred in Napa County on March 31, 2014. Garcia-Morran was believed to be a contract killer for a cartel, and also a possible suspect in a kidnapping that was later confirmed to be a homicide. During a thirty hour stand-off, Garcia-Morran took a hostage, barricaded himself in a travel trailer, fired upon Sheriff's Deputies and ultimately took his own life. Due to the length of the stand-off, the Santa Rosa Napa Police SWAT also participated and relieved the Sonoma and Napa County SWAT units during the stand-off.

The Sonoma County Sheriff's Office invoked the Sonoma County Law Enforcement Employee-Involved Fatal Incident Protocol. The purpose of this protocol is to set forth procedures and guidelines to be used by Sonoma County law enforcement agencies in the criminal investigation of specifically defined incidents involving law enforcement employees. Under this protocol, in order to eliminate the risk or appearance of conflicts of interest, an outside law enforcement agency is to investigate law enforcement employee-involved fatalities. Accordingly, members of the Petaluma Police Department assumed responsibility for the investigation of this shooting incident. Members of the Sonoma County District Attorney's Office were also assigned to participate in the investigation.

The role of the Sonoma County District Attorney's Office in a law enforcement employee-involved fatal incident is to review the investigation to determine if there exists any criminal liability on the part of the law enforcement employee; to provide assistance to the investigating agency regarding legal issues; to supplement the investigation when necessary; and, when appropriate, prosecute those persons believed to have violated the criminal law.

Once the investigation is complete, the District Attorney is required to complete a thorough review of the investigation and prepare a report summarizing the investigation and documenting her conclusions. A copy of this report is to be submitted to the foreman of the Sonoma County Grand Jury. The following report includes a summary of facts surrounding the death of Miguel Angel Garcia-Morran, specific conclusions, and a report of autopsy.

II. SCOPE OF REVIEW

The sole purpose of this criminal investigation and review is to establish the presence or absence of any criminal liability on the part of the involved law enforcement employee(s).

III. STANDARD OF REVIEW

The District Attorney, as the chief law enforcement official of Sonoma County, and as the person responsible for deciding what cases to prosecute within this jurisdiction, has the

responsibility to review and approve the filing of all criminal cases. The discretion to exercise this function, i.e. to charge a person with a crime, is not without limit.

The District Attorney shall not institute or cause to be instituted criminal charges when the member knows or should know that the charges are not supported by probable cause.

IV. SUMMARY OF FACTS

The following is a summary of facts intended to assist the reader in understanding this report and its conclusions. It is not a substitute for the volumes of reports, interviews, and other evidence from which it is derived. It is, however, an accurate composite of what the District Attorney believes the material facts in this case to be.

A. Events Leading Up To Incident

Miguel Angel Garcia-Morran (hereafter Garcia-Morran) died on April 2, 2014, as a result of a single, self-inflicted gunshot wound to his chest, sustained while officers of Sonoma and Napa County Sheriff's Office were attempting to arrest him and serve a search warrant.

On January 17, 2014 at 9:00 p.m., John Doe #1 reported to the Rohnert Park Department of Public Safety that his black truck, containing two firearms, was stolen from in front of his mother's home in Rohnert Park. The truck was reportedly taken between January 16, 2014, and January 17, 2014. Rohnert Park Department of Public Safety entered the vehicle into the NCIC Stolen Vehicle System. On January 18, 2014, John Doe #1 recanted his original story and disclosed he had not told the truth about his truck, because he was afraid for his life and his family's. John Doe #1 related the following incident:

On Wednesday, January 16, 2014, John Doe #1 was at a market in Rohnert Park when he was approached by an unknown Hispanic male that heard he was trying to sell his truck. The subject told John Doe #1 his friend may be interested and they agreed to meet on January 17, 2014, in front of the market.

On January 17, 2014, approximately 1:30 p.m., the subject and another unknown Hispanic male arrived driving a gray extended cab truck. John Doe #1 described the suspects as "tweakers". The subjects were later identified as Miguel Garcia-Morran and Jose Cortes-Siordia. During a test drive of John Doe #1's truck, Cortes-Siordia drove and Garcia-Morran, who was seated in the back seat, produced a black pistol from his waistband, racked the slide back, and put the pistol to the back of John Doe #1's head. The two suspects then began telling John Doe #1 they had been paid \$2,500.00 to "send him a message" to stop having an affair with a married woman. John Doe #1 told them he didn't know what they were talking about but agreed to stop for fear he would be harmed.

As the trio traveled through Petaluma toward Napa, Garcia-Morran was looking through the photos on John Doe #1's cell phone and saw pictures of two pistols. Garcia-Morran told John Doe #1 to call his wife, Jane Doe #1, and have her bring the firearms to the market. John Doe #1

called Jane Doe #1 and told her to place the pistols in the gray truck that was parked in front of the business. Jane Doe #1 did as she was instructed. A third suspect, Luis Avila-Arriaga, was instructed by Garcia-Morran to retrieve the gray truck and drive it to Napa.

Jose Cortes-Siordia stopped at an house in Napa and Garcia-Morran purchased methamphetamine. Jose Cortes-Siordia, Garcia-Morran, and John Doe #1 then traveled to a nearby vineyard and exited the truck. Garcia-Morran walked behind John Doe #1 with the pistol and told John Doe #1 they were going to tie him up. A vineyard worker confronted them and told them to leave the property. Garcia-Morran, Jose Cortes-Siordia, and John Doe #1 got back in the truck and drove away with Garcia-Morran now driving, and Jose Cortes-Siordia sitting behind John Doe #1. They stopped at another location and all three men exited the truck. Garcia-Morran and Jose Cortes-Siordia tied John Doe #1's hands up with yellow synthetic rope. John Doe #1 was told to wait one hour to untie himself or they would kill him and his family. After a short time, John Doe #1 freed himself and began walking. Two vineyard workers stopped and gave him a ride to Sonoma where John Doe #1 called his brother and he then called the Rohnert Park Department of Public Safety and made the original report of the theft of his truck and guns.

John Doe #1 stated a Glock 23 .40 caliber pistol belonging to John Doe#2, a friend of John Doe #1, and a 9mm Beretta 92FS pistol belonging to John Doe #1's brother, John Doe #3, were the firearms left by Jane Doe #1 in the gray truck.

On January 18, 2014, at 3:00 a.m., John Doe #1's truck was located at a motel in Santa Rosa. The Santa Rosa Police Department processed the vehicle and located numerous latent fingerprints as well as a holster and several unexpended rounds of ammunition in the passenger area of the truck. The vehicle was also swabbed for DNA.¹

On February 8, 2014, a Napa Police Department Officer conducted a traffic stop in a vehicle Garcia-Morran was driving where narcotics, paraphernalia, and a firearm magazine were located. A search warrant was sought and served on Garcia-Morran's residence in Napa. Napa Police Department officers located a Sig Sauer and the Glock pistols reportedly stolen from John Doe #1. Garcia-Morran was arrested, bailed out and then failed to appear on his court date. An arrest warrant was issued on March 17, 2014.

On March 25, 2014, Santa Rosa Police Department received a missing person report on John Doe #4. It was determined John Doe #4 resided in the Sonoma County Sheriff's Office jurisdiction and the case was transferred to the Sonoma County Sheriff's Office. John Doe #4 and his 2006 black Range Rover were last seen on March 24, 2014, at 10:00 a.m. Information was developed with the use of cell phone data that John Doe #4 was in Napa on the day he went missing.

After an extensive investigation by the Sonoma County Sheriff's Office, it was determined John Doe #4 was profoundly involved in a pyramid scheme in Sonoma, Napa, Fresno, and Marin Counties. The investigation revealed John Doe #4's "business" may have been associated with an

¹ This DNA was later determined to belong to Miguel Angel Garcia-Morran (08/08/1981).

on-going investigation being conducted by the U.S. Securities and Exchange Commission and had frozen its assets.

On March 31, 2014, Garcia-Morran was in the company of Jane Doe #2 and Mauricio Tovar and were staying in a hotel in Napa. Mauricio Tovar was reportedly involved as the shooter in a drive-by shooting that occurred in the area of an elementary school in Napa. Jane Doe #2 agreed to provide a safe place to conceal Mauricio Tovar and Miguel Garcia-Morran in exchange for \$200.00, so the trio traveled to Kenwood together.

On April 1, 2014, Napa Police attempted to locate Mauricio Tovar, and his phone pinged in the area of Kenwood. Napa Special Investigations Bureau converged on the address just as the cell phone pings indicated Mauricio Tovar was traveling back towards Napa. Mauricio Tovar was subsequently arrested during a vehicle stop. Mauricio Tovar identified Garcia-Morran as the individual who provided the gun used in the drive-by shooting in Napa and said he was in a trailer on the property and was in possession of additional firearms.

Napa Police confirmed Garcia-Morran had an outstanding arrest warrant for failure to appear in the Napa County Superior Court on charges of possession of a firearm with a prior conviction, child endangerment, possession of a firearm by a prohibited person, possession of stolen property, and possession of restricted dangerous drugs. It was also believed by members of Napa law enforcement, who had past contacts with Garcia-Morran, that he was potentially a "cartel hit man".

On April 1, 2014, at 1:18 p.m., Napa Special Investigations Bureau requested the assistance of the Sonoma County Sheriff's Office and obtained a search warrant for the property in Kenwood. Detectives from the Napa County Sheriff's Department, Sonoma County Sheriff's Office, and Rohnert Park Department of Public Safety conferred and ultimately determined Garcia-Morran was involved in the carjacking and kidnapping of John Doe #1 and the possible kidnapping and murder of Reynaldo Pacheco.²

B. Attempted Service of the Search and Arrest Warrants in Kenwood

On April 1, 2014, the Sonoma County Sheriff's Office and Napa County Sheriff's Department responded to Kenwood to execute a search warrant. It was believed that Garcia-Morran was located on the property and that he was in possession of firearms and other evidence related to the recent drive-by shooting that had occurred in Napa County on March 31, 2014. He

² Subsequent to the death of Garcia-Morran, Mauricio Tovar was interviewed and confirmed the kidnapping of Reynaldo Pacheco and on April 4, 2014, led detectives to the location of Reynaldo Pacheco's body, near Hennessey Lake, Napa County. Mauricio Tovar is currently in custody and awaiting trial in Napa County for murder.

Additionally, Luis Avila-Arriaga and Jose Cortes-Siordia were interviewed and arrested for multiple crimes including carjacking, kidnapping, and conspiracy to commit the murder of John Doe #1, by the Rohnert Park Department of Public Safety. Luis Avila-Arriaga and Jose Cortes-Siordia are currently in custody and awaiting trial in Sonoma County.

also had an active outstanding felony warrant out of Napa County for \$150,000.00. Information was developed that Garcia-Morran was located in a 5th wheel camper located on the property.

On April 1, 2014, at 11:53 p.m., Special Weapons and Tactics (SWAT) teams from the Sonoma County Sheriff's Office and the Napa County Sheriff's Department were deployed and surrounded the 5th wheel trailer and the adjacent property. An announcement was made for the occupants of the trailer to exit. A male subject exited and identified himself as John Doe #5, the tenant of the trailer. John Doe #5 confirmed that Garcia-Morran was present in the trailer on the property and that he was in possession of a handgun, an assault rifle and a ballistic vest. Jane Doe #2 was observed inside the trailer and hostage negotiators were requested. John Doe #5 advised he had left his cell phone in the trailer and that phone was ultimately used for negotiations and communications with Garcia-Morran from April 2, 2014 at 1:20 a.m., until April 2, 2014, at 5:38 p.m., when negotiations ceased.

On April 2, 2014, at 12:00 a.m., attempts were made with the use of a public address system to have Garcia-Morran exit the trailer. Miguel Garcia-Morran did not respond or exit the trailer. On April 2, 2014, at 1:14 a.m., flash bang devices (a non-lethal explosive used to temporarily disorient the senses by producing a bright flash of light and loud noise without causing permanent injury) were deployed in an attempt to get Garcia-Morran to communicate with negotiators.

At 1:15 a.m., Sonoma County Sheriff's Office dispatch center was transferred a 911 call from the California Highway Patrol (CHP) call center. The female caller told CHP, prior to being transferred to the Sheriff's Office call center that she was in a trailer in Kenwood and surrounded by law enforcement. The female identified herself as "Jane Doe #1" and said, "He is here, stop shooting." The caller then disconnected prior to Sonoma County Sheriff's dispatch obtaining additional information.

C. Attempts at Negotiations with Miguel Garcia-Morran

Hostage negotiators from the Santa Rosa Police Department and the Sonoma County Sheriff's Office began negotiations from the command post. Garcia-Morran communicated primarily in Spanish. During the next approximately 7 hours of negotiations with Garcia-Morran, he refused to allow Jane Doe #2 to leave the trailer, indicating that she was being held against her will. Garcia-Morran made statements that Jane Doe #2 was on her knees and she would not be harmed as long as no one approached the trailer. At approximately 2:00 a.m., Garcia-Morran set a demand not to be contacted for one hour.

At 2:50 a.m., Garcia-Morran communicated to the negotiators that he wanted to speak to his 5 children. His demeanor was reported as being agitated, threatening, and hostile. Negotiations continued back and forth for the next four hours. During that time, Garcia-Morran incriminated himself in several violent felonies, including murder. Also, his mood and affect shifted dramatically from: stating he would surrender; to threatening to take his body armor off so that he could fight like a man and use Jane Doe #2 as a human shield; and stating that law enforcement were going to have to kill him or he would kill himself.

At 8:38 a.m., Jane Doe #2 was released from the trailer unharmed and she confirmed Garcia-Morran was armed with a rifle. Garcia-Morran continued to communicate with negotiators, making suicidal statements, requesting to be shot by the police on numerous occasions and making statements that he would kill himself. At 10:38 a.m., Sonoma County Sheriff's Office SWAT and Napa County Sheriff's Department SWAT were substituted with Santa Rosa Police Department SWAT and Napa Police Department SWAT teams.³

At 12:44 p.m., Garcia-Morran requested to and did speak to his ex-girlfriend, Jane Doe #3. Jane Doe #3 encouraged him to come out, to no avail. At 2:45 p.m., Garcia-Morran advised he would surrender in 15 minutes. Garcia-Morran failed to surrender and sent Jane Doe #3 a text message that said, "I'm sorry." At 5:06 p.m., Garcia-Morran told Hostage Negotiators that they were going to have to kill him.

At 5:35 p.m., Sonoma County Sheriff's Office SWAT and the Napa County Sheriff's Department SWAT were transitioned back into position and were advised that negotiations had ceased.⁴ A gas plan (a predetermined plan to introduce an undetermined amount of chemical gas into a structure for the purpose of neutralizing the threat and gaining compliance) was put into place. At 6:27 p.m., flash bangs were deployed, followed by CS gas (tear). (a white solid powder mixed with a dispersal agent like methylene chloride, which carries the particles through the air. Physical effects of this tear gas are felt almost immediately. They are: severe burning in the eyes, involuntary closing of the eyes, copious tearing, mucus and extreme burning in the nose.)

At 6:34 p.m., Garcia-Morran opened the door of the trailer and was partially observed in the doorway. At 6:36 p.m. additional CS gas was deployed into the trailer. At 6:36 p.m. Garcia-Morran began shooting multiple rifle rounds from inside the trailer at the surrounding SWAT units. The rifle rounds appeared to be directed toward the Sonoma County Sheriff's Office SWAT Bearcat (SWAT armed vehicle) and other perimeter units. Several Officers saw rounds penetrate vehicles, strike the ground in their immediate vicinity, and heard them whizz over their heads. Some of these rounds were subsequently determined to have struck nearby vehicles, various structures, stacks of building material, and the Bearcat. Additional gas and CS Spede-Heat rounds⁵ were fired using a 40 millimeter gas gun.⁶

At 6:38 p.m. additional rifle rounds were heard and moments later Garcia-Morran exited the front door of the trailer and fell to the ground. At 6:39 p.m. Sonoma County Sheriff's Office SWAT advised the subject was down but his body was not completely visible. At 6:40 p.m., a Sonoma County K-9 was deployed to assess the threat Garcia-Morran may pose. The K-9 bit Garcia-Morran in the arm and Garcia-Morran did not move. Sonoma County Sheriff's Deputy

3 CAD log indicated that the personnel were relieved around 10:40 AM on 4-2-2014

4 CAD log indicated that the personnel were relieved after 4:30 PM on 4-2-2014

5 ("Spede-Heat" rounds are a type of CS gas and are considered flammable; they are considered lethal force in that they are incendiary. See interview Sgt. Mark Fuston, and Sgt. Cullen Dodd.

6 Deputy Eric Seibold fired several rounds from his rifle into the trailer as cover fire to protect Deputy Justin Haugen when Deputy Haugen was exposed while he deployed a Spede-Heat round into the trailer.

Brian Parks then shot a sponge round (a non-lethal, single blunt force object, sponge, intended to cause confusion, or otherwise temporarily disable its target) which struck Garcia-Morran's body with no reaction. At 6:42 p.m., an EOD (explosive ordnance disposal) was requested to deploy a robot to assess the threat Garcia-Morran may pose due to his hands not being visible. At 6:44 p.m., prior to the completion of the robots assessment, Napa County Sheriff's Department SWAT advised that a fire had started in the trailer. Sonoma County Sheriff's Office SWAT operators approached Garcia-Morran, and determined he did not pose a continued threat. Garcia-Morran was moved to a safe location where he was pronounced dead at 6:53 p.m.

D. Crime Scene Documentation

The Santa Rosa Police Department Field Evidence Technician Team, at the direction and supervision of Lt. Lyons from the Petaluma Police Department, assisted with scene evidence collection when inquiries with the California Department of Justice Crime Scene Unit determined that they were unavailable. Inside the fire damaged trailer, a loaded .223 caliber semi-automatic rifle with a 30 round magazine capacity, that contained 11 live rounds, was found. The rifle was equipped with a scope, flashlight and laser. They also found 15 .223 caliber shell casings, and body armor. The trailer had various components of the partial gas rounds, six .223 bullet holes through the door, and involved area, five .223 bullet holes in the front portion of the trailer, and eight 40 millimeter round impact holes. Various vehicles, the Porta Potty, stacked building material and a neighboring residence were determined to have bullet holes in them.⁷

E. Pertinent Interviews

It was determined that Deputies Brian Parks, Eric Seibold, Larry Matelli, and Justin Haugen had fired weapons during the standoff.

Deputy Brian Parks

On April 03, 2014 Deputy Brian Parks herein after referred to as Parks, was interviewed. Parks is a member of the Sonoma County Sheriff's SWAT team, as well as a K-9 officer. Parks has been employed as a Sonoma County Sheriff's Deputy for ten years and three years as a peace officer with the Santa Rosa Junior College Police Department. Parks attended a briefing in which he was advised that a person identified as Garcia-Morran was wanted by the Napa Police regarding a drive-by shooting and that he had a \$150,000.00 warrant for his arrest and was considered to be armed and dangerous.

Parks relayed that on 04/02/2014 at 8:38 a.m., Garcia-Morran released the female from the trailer and that she appeared upset and shaken. Parks contacted her and she stated that Garcia-Morran was armed with a rifle similar to an HK 416 semi-auto rifle that he carried.

⁷ Fifteen (15) .223 caliber shell casings were found within the trailer. Given the fact that witnesses saw rounds coming from the trailer, it would be reasonable to conclude that the defendant fired at least 15 rounds from inside the trailer.

After communication with Garcia-Morran became ineffectual, Parks was ordered to deploy three 40-millimeter ferret gas rounds into the front of the trailer. Parks stated that ferret rounds take several seconds for the gas to work and the desired effect is disorientation, coughing, teary eyes and irritated skin. Parks deployed three ferret rounds and noted that Deputy Larry Matelli also deployed two ferret rounds into the trailer.

Moments later Parks saw Garcia-Morran open the trailer door and heard someone yell, "Sheriff's Office, stop right there!" Garcia-Morran was seen going back into the trailer and closing the door. Garcia-Morran opened the trailer door again and stuck his hand outside. Parks engaged Garcia-Morran verbally by ordering him to put his hands up and come to him. At the time of this interaction Garcia-Morran was approximately forty yards from Park's location. Garcia-Morran did not comply and retreated to the trailer and closed the door. Parks saw Garcia-Morran continue to peek his head out of the trailer, not exposing his entire body, and retreating again. Parks was fearful that Garcia-Morran was armed. Parks was ordered to, and successfully deployed additional 40 millimeter ferret gas rounds into the trailer. Parks next heard gunfire erupt from the trailer and said, "I could hear them (rifle rounds) whizzing by us." He stated that he believed some of the rounds were striking the armored vehicle that he was standing behind.

Parks believed his life and the lives of his fellow deputies were at risk. In an effort to stop Garcia-Morran from shooting any further, Parks fired an additional 40 millimeter ferret and a Spede-Heat round into the trailer. He described the Spede-Heat round as a hot gas round that has the potential to be flammable. When he fired the Spede-Heat round, Parks heard rifle rounds being shot. Parks fired another Spede-Heat round and heard another rifle shot. Parks estimated that he heard 15- 25 rifle rounds fired from the area and "a few rounds from the perimeter." Parks described that the next thing he saw was the trailer door opening and Garcia-Morran lying on the ground. He described Garcia-Morran's body as being partially obscured by a vehicle parked near the front door of the trailer. Not knowing if Garcia was still armed or a lethal threat, he took cover behind the Bearcat turret and fired one 40 millimeter sponge round at Garcia-Morran. Garcia-Morran appeared non-responsive. Parks saw Deputy Terry White deploy his K-9 and noted that Garcia-Morran remained non-responsive upon contact with the K-9.

Deputy Lawrence Matelli

On April 07, 2014 Deputy Lawrence Matelli herein after referred to as Matelli, was interviewed. Matelli is a member of the Sonoma County Sheriff's SWAT team. Matelli has worked for the Sonoma County Sheriff's Office for approximately two years as a deputy sheriff. Matelli has been a member of the Sonoma County SWAT team for approximately one year. Prior to working at the Sonoma County Sheriff's Office Matelli had worked at the Marin County Sheriff's Office for five years and had been a member of their SWAT team for two years.

On April 1, 2014 Matelli was called in to execute a high risk search and arrest warrant. Matelli was advised that Garcia-Morran was involved in a drive-by shooting in the City of Napa, that he was in possession of an AR-15 assault rifle, body armor, 30 round magazines, and that he was allegedly a drug cartel hit man. Matelli was assigned to the turret position on the Sonoma County Sheriff's SWAT team armored vehicle which is also known as a Bearcat. Upon arriving at

the scene, the Bearcat was driven to within 20 feet of the trailer Garcia-Morran was suspected of being in.

On April 2, 2015 at 4:30 pm Matelli attended a joint briefing with Sonoma and Napa County Sheriff's Office SWAT personnel in which he learned that Garcia-Morran admitted to hostage negotiators that he was involved in a homicide and that based upon that and his other pending criminal matters he was not going to surrender. Further, Matelli was advised by SWAT command that they would be deploying gas into the trailer. At 5:30 pm, after numerous unsuccessful efforts were made to re-contact Garcia-Morran, flash bang devices were deployed. Matelli heard Garcia-Morran moving inside the trailer and as a result was fearful that Garcia-Morran was arming himself.

Several more unsuccessful attempts to contact Garcia-Morran were made. Matelli and Parks were then ordered to deploy 40 millimeter ferret rounds into the trailer. Matelli deployed two ferret rounds into the front wall of the trailer. After he fired the ferret rounds Matelli heard Garcia coughing inside the trailer and then saw him open the front door while appearing to fan the gas out of the trailer, scan the area near the Bearcat, and then close the door to the trailer. Commands were given for Garcia-Morran to walk out of the trailer and surrender. Garcia-Morran did not comply and he then deployed another two ferret rounds into the trailer which initially elicited the same response by Garcia-Morran as the first volley. Matelli reported that after Parks deployed a third volley of gas rounds into the trailer Garcia-Morran began firing rounds at their location through the front wall of the trailer. Matelli recalled hearing bullets ricochet off the ground next to him and whizzing over his head and believed that the rounds being fired were directed at himself and other deputies and that Garcia-Morran was attempting to kill them. Further Matelli stated he believed that had it not been for the armor of the Bearcat, Garcia-Morran would have killed them. Matelli believed that Garcia-Morran fired between 10 and 20 rounds that were fired in rapid succession.

Deputy Justin Haugen

On April 03, 2014 Deputy Justin Haugen herein after referred to as Haugen, was interviewed. Haugen is assigned as a detective in the Coroner's division of the Sonoma County Sheriff's Office and has been a Deputy Sheriff for 11 years and on the SWAT team for seven years. Haugen was called in on April 1, 2014 and participated in a multi-agency briefing in which he learned that Garcia-Morran: was wanted on a \$150,000.00 felony warrant out of Napa County; was an involved person in a drive-by shooting; he may be armed and dangerous; was a possible hit man for a cartel; was a suspect in a kidnapping; and that he may be in a trailer located on the property in Kenwood.

In the early morning hours on April 2, 2014, Haugen learned from radio communications, that Garcia-Morran was making statements that the female inside the trailer with him was his hostage and that if the police did anything stupid, he would kill her. Haugen also stated that it was relayed to him by the negotiators that if Garcia-Morran saw the police move outside the trailer he would shoot the hostage. After many hours of negotiation Garcia-Morran released the female hostage and she confirmed that Garcia-Morran was armed with a rifle, that she was being held against her will, and that he was suicidal and was not going to submit to arrest.

At 4:30 p.m. Haugen learned that a gas plan would be instituted and flash bang devices would also be deployed by Napa County SWAT personnel to act as a diversion. Haugen was now positioned in the front of the property near the road and was using a Sheriff's Chevrolet Suburban as cover. Haugen recalled that teammates Eric Seibold and Mike Peters were present with him, also near the Suburban. Haugen advised that Eric Seibold was covering him with a .223 rifle to his immediate left side, since he only had the 40 millimeter gas gun deployed. Haugen estimated his distance from the trailer to the Suburban was approximately 30 yards.

Haugen stated when the gas plan was activated, Napa SWAT flash bangs were deployed and one gas round was fired into the trailer by another deputy. Haugen recalled hearing several updates over his radio advising that Garcia-Morran was moving inside the trailer and that he had come to the door and opened it momentarily. Haugen stated he was aware that other Sheriff's personnel continued firing gas rounds into the trailer and heard what he believed to be .223 caliber rifle shots being fired in rapid succession coming from the direction of the trailer. Haugen recalled hearing Deputy Mike Peters state that he heard a round whiz over the top of them.

Haugen stated that after hearing the shots from the trailer, he believed that Garcia-Morran was shooting at them, thereby endangering his life and his team members' lives. Haugen then verbalized that he was going to deploy a round and made a statement similar to, "cover me." Shortly thereafter he partially left his position of cover behind the Suburban and fired a 40 millimeter Sped Heat-CS round. Haugen stated that Eric Seibold who was to his left and had his rifle out, fired two .223 rounds. He also said he heard the sound of what he believed was other units also engaging the suspect with their rifles. Haugen characterized Seibold's firing his rifle as being concurrent with his when he fired the gas round. Haugen did not see the gas round penetrate the trailer due to a large green tarp obstructing his view.

Haugen advised that after firing the gas round there was a lull in the events. Radio traffic indicated that Garcia-Morran was outside of the trailer, on the ground and not moving. Haugen at this point indicated that he could not see the events unfold in front of the trailer but, merely monitored his radio.

Deputy Eric Seibold

On April 03, 2014 Deputy Eric Seibold hereafter referred to as Seibold, was interviewed. Seibold had been employed by the Sonoma County Sheriff's Office as a deputy sheriff for approximately eight years and has been a member of the SWAT team for two years. Prior to being employed by the Sonoma County Sheriff's Office Seibold was a deputy sheriff for three years with the County of Los Angeles.

Seibold advised that he was notified of a SWAT call out on April 01, 2014 and attend a joint briefing with the Sonoma and Napa County Sheriff's SWAT teams in which learned that Garcia-Morran: had an outstanding felony warrant; was currently located at the Kenwood property and accompanied by a female; was described as a "cartel hit man"; was possibly armed; and was an involved party in a drive-by shooting that occurred the previous day.

Seibold's initial assignment was that of a "breacher" on the entry team and arrived at the scene in the Bearcat, the Sonoma County Sheriff's armored vehicle which was positioned approximately 20 feet from the trailer where Garcia-Morrان was believed to be. (A "breacher" is expressly responsible for breaching or opening points of entry for the entry team.) When Seibold responded to the scene he was armed with a Glock 22, 40 caliber pistol and an HK416D .223 caliber fully automatic rifle. Seibold and other SWAT team members were receiving updates of the events from command staff and other SWAT personnel.

Seibold learned that Garcia-Morrان was armed with a rifle, had "guns and he's gonna shoot it out with cops, and he doesn't want to come out." Seibold's responsibility at the scene then changed and he was tasked with watching the trailer door should any person exit. Jane Doe #3 was eventually released by Garcia-Morrان and Seibold recalled receiving confirmation that Garcia-Morrان was the only remaining person in the trailer, he was armed with a rifle, and that Garcia-Morrان not going down without a fight. Seibold also received additional updates from SWAT staff that Garcia-Morrان had admitted to a recent murder. After hearing the update Seibold was concerned for his safety and that of his fellow SWAT team members.

Seibold was given a new assignment at the scene to provide perimeter security from a position of cover behind a Suburban which was approximately 50 yards from the trailer with little cover between the trailer and the Suburban. Seibold, Deputy Haugen, Sergeant Fuston, and Deputy Peters were gathered near the front of the Suburban near the engine block because they were aware that the engine was the only component of the vehicle that would likely stop a rifle round.

Haugen was assigned to deploy gas from his 40 millimeter gas gun and more flash bangs were introduced in an attempt to re-initiate negotiations with Garcia-Morrان. Seibold then saw gas ferret rounds being deployed into the trailer. After the ferret rounds were introduced to the trailer Seibold noted a lull in the operation and learned over the radio that SWAT personnel heard coughing from within the trailer and saw Garcia-Morrان briefly open the trailer door and then retreat back into the trailer. Seibold observed another volley of ferret rounds being deployed into the trailer and learned that Garcia-Morrان responded again by partially opening the trailer door then retreating.

Seibold described the events immediately after the second volley of ferret rounds sounding like a, "hellacious gunfight". Seibold described rounds whizzing over his head. In response he and his immediate team members behind the Suburban ducked down to take cover. Seibold stated Haugen, who was the designated "gas guy," was ordered to introduce Spede-Heat gas rounds into the trailer. Seibold conveyed that he was Haugen's "lethal cover," meaning he was responsible for protecting Deputy Haugen when Haugen was exposed in a shooting position. Seibold and Haugen made a plan to rise from their position of cover simultaneously. Haugen would deploy a gas round, and Seibold would provide suppressive fire from his HK rifle. When Haugen came up from his position of cover behind the Suburban, Seibold fired two, two round bursts of .223 rounds toward the front side of the trailer. Haugen then ducked back behind the Suburban to take cover and reload his 40 mm gas gun. Seibold stated he maintained his position to observe the trailer. Seibold stated that when he fired his .223 rifle into the trailer, he did so to protect Haugen while Haugen was exposed to lethal gun fire.

Shortly after Haugen fired the Spede-Heat round, Seibold and his team where overcome with CS gas which travelled towards them from the impact site near the trailer. Seibold and Haugen took no further action, as they had to apply their gas masks. During this period Seibold indicated he was advised via his radio that Garcia-Morran had opened the trailer door and collapsed to the ground in front of the trailer. Seibold then heard the bark of a K-9 and saw the trailer engulfed in flames.

Deputy Geoffrey Rochester

On April 4, 2014, Deputy Geoffrey Rochester hereafter referred to as Rochester, was interviewed. Rochester has been employed by the Napa County Sheriff's Office as a deputy sheriff for approximately 13 years and has been a member of the SWAT team for 11 years.

On April 1, 2014, Rochester responded to a SWAT call and participated in a joint agency briefing with the Sonoma County Sheriff's SWAT team in which he learned that Garcia-Morran was a possible cartel hit man, and that he was related to a recent shooting that occurred in Napa.

Rochester stated that he heard that a woman had called dispatch from inside the trailer advising the officers to stop shooting. At this point Rochester believed that they were dealing with a potential hostage situation. Rochester also indicated that Garcia-Morran was confirmed to be inside the trailer and armed. At approximately 7:45 am Rochester heard that Garcia-Morran had released the hostage. He assisted in walking her to the command post for debriefing.

During the gas deployment operation, Rochester was ordered to deploy two 40 millimeter ferret gas rounds into the trailer Rochester relayed that the first round was ineffectual and completely missed the trailer. The second round broke through the back window and entered the trailer. Deputy Rochester fired two more ferret rounds through the back window of the trailer. Rochester heard via his radio that Garcia-Morran had opened the door to the trailer and was trying "to get air out" of the trailer due to the introduction of gas.

Rochester stated that he heard what he believed to be two gun shots. After hearing a request by Sonoma County Sheriff's Department SWAT team for more gas he deployed four more Spede-Heat rounds into the trailer. The first round entered the trailer but did not seem to have an effect. The second and third rounds appeared to go through and through the trailer. The fourth round was fired by Rochester at a low angle. After Rochester fired the fourth Spede-Heat round he said that, "...a ton of gun fire erupted from the trailer." Rochester heard what he believed to be two additional gunshot rounds fired. Rochester monitored his radio and learned that Garcia-Morran was on the ground in front of the trailer.

F. Autopsy

On April 7, 2014, a post mortem examination was conducted by Dr. Arnold R. Josselson (hereinafter Josselson), a medical doctor certified in the area of forensic pathology. Josselson's autopsy findings were that Garcia-Morran suffered "a single contact perforating gunshot wound

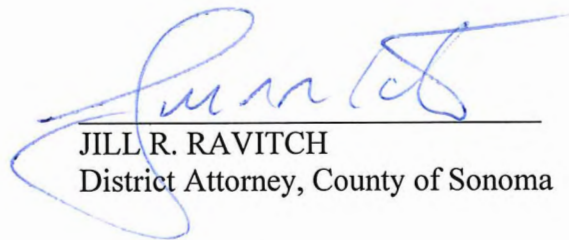
to the left chest.” Josselson concluded that the wound was a through and through wound and no bullet fragments were found in Garcia-Morran’s body. He also concluded that the path of the single “gunshot wound went from (Garcia-Morran’s) right to left, front to back and down.”

Josselson opined in a discussion immediately after the autopsy that Garcia-Morran died from a single gunshot wound to the chest and that the physical evidence was consistent with a self-inflicted or close contact wound that was likely fired from a weapon within a centimeter of Garcia-Morran’s chest.⁸

Toxicology results of the Garcia-Morran’s blood determined that he had Amphetamine and Methamphetamine in his system.

V. CONCLUSION

Based upon the statements made by Garcia-Morran it appeared that he intended to end his life either at the hands of law enforcement via “suicide by cop” or by his own hand. The physical evidence from the Pathologist examination, physical evidence at the scene and witness accounts are consistent with the cause of death being a single, self- inflicted gunshot wound to Garcia-Morran’s chest. Although, lethal force was deployed by Sonoma and Marin County Sheriff’s deputies, the investigation clearly shows that this force did not result in the death of the decedent Garcia-Morran. Thus, there was no use of lethal force by any of the involved deputies that is the basis for any criminal charges.



JILL R. RAVITCH
District Attorney, County of Sonoma

⁸ Dr. Josselson’s statement regarding his opinion that the contact wound was consistent with a self-inflicted wound was made the day of the autopsy on April 7, 2014. Dr. Josselson’s statement regarding his opinion of the wound being inflicted within a centimeter from the weapon was made verbally and confirmed on or about October 26, 2014 in a conversation the reviewing DDA had with Dr. Josselson over the phone.