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RE: Shooting Death of GD Hendrix (DOB: 10/16/1970) on November 15, 2018

- Butte County Sheriff's Sgt. **Josh Brazzi** and Deputy **Kenneth Bryant**
- Shasta County Sheriff's Deputies **Andrew Clark** and **Chris VanEyck**
- California Department of Fish and Wildlife Warden **Chad Edwards**

BCDA Case #1800599
BCSO Case #18-19708

Gentlemen:

On November 15, 2018 while local law enforcement and their mutual aid partners were patrolling the evacuated areas of the Camp Fire, a citizen contacted a deputy with the Butte County Sheriff's Office and expressed concern about a suspicious person who had been parked several days in the parking lot of the evacuated Pines Yankee Hill Hardware Store. The deputy suspected it contained a locally well-known double-homicide suspect and parole absconder by the name of GD Hendrix, 48, of Berry Creek. Local authorities had been searching for Hendrix for months to bring him back into custody. The deputy gathered other law enforcement officers who had been patrolling in the Concow area and attempted to take Hendrix into custody. Hendrix however drove off in his car south on Highway 70 after crashing through other parked vehicles. A high-speed pursuit ensued with many other deputies, wardens and officers joining in. The pursuit came to an end approximately eight miles later after Hendrix's car's tires had been successfully spiked by intervening officers. Hendrix got out of his car and feigned a firearm in his right hand and was shot at by five officers from your agencies. He died at the scene from gunshot wounds. Also as a result of that gunfire, Sutter County Sheriff's Office K9 "Bandit" also

died at the scene while performing his duties in attempting to bring Hendrix into custody. A pit bull dog who came out of Hendrix's car and attacked the wounded and dying K9 Bandit was also shot and killed by officers on scene.

Immediately after the shooting, the **Butte County Officer Involved Shooting Protocol** was instituted and the **Butte County Officer Involved Shooting/Critical Incident Protocol Team** was activated and began its normal extensive investigation. As you know, the objective of the team's investigation is not an administrative investigation to determine whether there was any violation of a law enforcement agency's departmental policy nor is it a critique of any involved officer's tactics. Its purpose is to determine whether there was any criminal liability on the part of any involved officer. The investigation, as was done here, was accomplished by uninvolved, professional investigators from outside state and local law enforcement agencies to supply a complete, unbiased and uncompromised investigation to be reviewed by my office.

That review has been completed and the following are the results including interviews with the 25 officers who were involved to varying degrees in the pursuit and eventual capture of Hendrix. Of those 25 officers, seven officers discharged their weapons at the end of the pursuit of Hendrix – five at Hendrix and two at a pit bull dog.

FACTUAL SUMMARY

GD Hendrix – Background

On November 15, 2018, GD Hendrix was wanted for violating his parole for previously cutting his ankle monitor in June 2018 and absconding from parole. He was the object of active searches in the Berry Creek and surrounding areas by the Butte County Sheriff's Office and the Butte County Probation Department.

The events leading to that parole violation began with the December 19, 2014 vicious murder of a married couple from Cromberg (Plumas County) – Peter Michael Kroencke, 59 and Olga Kroencke, 56. They were shot multiple times by shotgun and handgun fire in their car on a dirt road off of Galen Ridge Road in Berry Creek. The Kroenckes had a cabin in the area, which was also in the same area Hendrix lived. The Kroenckes would visit on the weekends with their son who lived in their cabin and they disliked Hendrix for allegedly taking advantage of their disabled son. Hendrix was a prime suspect in the Kroenckes' murder. He was known to carry firearms and was considered armed and dangerous.

On December 29, 2014 the BCSO and Chico Police Department SWAT teams served a search warrant at Hendrix's home. Officers found a sawed-off double-barrel shotgun and a live pipe bomb hidden under the floor of the home. Hendrix was not home and a warrant for his arrest on the weapon and explosive charges was sought and signed by a local judge.

Approximately a week later on January 6, 2015 the Butte County Sheriff's Office received information Hendrix was at the Canyon Creek Store in Berry Creek. Deputies responded and waited for him to come out of the store. When he came out, deputies noted he was wearing a long bulky coat and ordered him to raise his hands and go to his knees. He refused and started to reach under his coat. The deputies intensified their orders and Hendrix finally complied. Under

the coat was a loaded AK47 assault weapon (with a fully-loaded 30 round clip) slung over his back; a loaded .223 caliber pistol (with a scope) slung from his right shoulder; a loaded .22 caliber revolver in a holster on his left hip; a pair of brass knuckles hanging on a string from his neck; a fixed-blade knife with a four-inch blade in his pocket; and a small amount of methamphetamine and needles. As he was arrested he told deputies they “should have just shot me.”

After his arrest, he was asked about the pipe bomb at his home and he stated he possessed it for anti-terrorist work for the CIA in tunnels. After being left alone in an interview room, Hendrix was overheard and recorded complaining that he hated the world and was not going to live very long anyway as he had cancer.

Hendrix was charged by the Butte County District Attorney with a number of weapon, possession of destructive device and drug charges and held on a bail of \$1 million.

Court proceedings on those charges continued on until February 25, 2015 when his public defender declared that he, the attorney, had a doubt about Hendrix’s mental competency. A court psychologist was appointed to examine Hendrix and determine if he was competent to stand trial. On March 25, 2015, this court-appointed doctor opined that although Hendrix had a difficult and paranoid personality, he was competent to stand trial. Criminal proceedings continued forth.

However, Hendrix’s journey through the court system was interrupted several times by Hendrix either trying to fire his public defender or his public defender attempting to declare Hendrix incompetent to participate in the criminal proceedings. Eventually another court-appointed psychologist opined Hendrix was incompetent to cooperate with his attorney in his defense and Hendrix was sent to Napa State Hospital for treatment on October 26, 2015. The doctors there disagreed that Hendrix was suffering from any significant mental disorder, diagnosed him as “malingering”, and ordered him returned to Butte County Jail as competent on December 16, 2015.

Another few rounds of failed attempts to declare Hendrix incompetent in court further delayed the criminal proceedings until eventually Hendrix finally plead no contest to counts of Possession of a Destructive Device, Armed with a Firearm while Possessing Methamphetamine with an enhancement of Possession of an Assault Weapon. Finally on November 9, 2016, Hendrix was sentenced to seven years and four months in state prison with credit for the time he had already served in Butte County Jail and his short time in Napa State Hospital.

Hendrix was released from prison on parole to the Butte County Probation Department on May 12, 2018 and was placed on a GPS monitor and directed to stay away from the Berry Creek area. On June 25, 2018 he failed to make a scheduled appointment with the Probation Department and his GPS monitor recorded its strap had been cut. A warrant went out for his arrest and a BOLO was issued for his arrest in surrounding counties. Occasionally sightings were reported, but Hendrix avoided law enforcement until November 15, 2018.

Events of November 15, 2018

At approximately 11:00 a.m. on November 15, 2018 Butte County Sheriff's Deputy Jay Freeman was contacted by a local citizen as the deputy was patrolling near the closed Pines Yankee Hill Hardware Store on Highway 70 in the Camp Fire evacuated Concow area. The citizen expressed a concern about a vehicle in the parking lot that had been occupied by a "suspicious male" in his 40s for the past few days. The citizen gave Deputy Freeman a photo of the vehicle and the vehicle's license plate number. Deputy Freeman recognized the vehicle from the photo as a later model silver Chevy Cruze sedan. He had his dispatch check on the license number and the vehicle came back as registered to the mother of GD Hendrix. Deputy Freeman knew Hendrix very well and knew he was considered an armed and dangerous subject who was wanted for parole absconding. Deputy Freeman then got on his radio and requested other law enforcement units working in the Concow area to meet with him at the intersection of Concow Road and Highway 70.

At that location Deputy Freeman briefed a group of four responding officers from the Shasta County Sheriff's Office and a U.S. Fish and Wildlife warden. The deputy informed the other officers of Hendrix's history of being armed and wanted. Deputy Freeman informed his sergeant and dispatch center he would take his assembled team of officers and do an area check of the hardware store parking lot looking for Hendrix.

As he got to the parking lot with the team, Deputy Freeman spotted the silver Chevy Cruze sedan parked among other cars in middle of the large parking lot. The officers parked their vehicles short of the silver sedan and approached on foot with weapons drawn. Deputy Freeman could see a male subject sleeping in the driver's seat of the car as he approached. He walked up to the driver's door and immediately recognized it was Hendrix in the vehicle. Deputy Freeman informed his team and his dispatch center that the subject was indeed Hendrix.

Deputy Freeman tapped on the driver's side window and Hendrix woke up. The fully-uniformed deputy and his team, also all in uniform, surrounded the car with guns drawn and shouted for Hendrix to show his hands. Hendrix refused officers' commands to show his hands, instead shoving his right hand out of sight to his lower right side as if he had something hidden there.

The officers moved to better positions of cover behind Hendrix's car as he continued to move about in his vehicle but refused to show them his hands – in particular keeping his right hand down. Officers continued to shout at Hendrix to show them his hands. During this time Hendrix shouted out "I'm not going back!" and "You should have left me alone!" Officers also noted at the time that a large brown and white pit bull dog was in the vehicle with Hendrix.

At about this time two California Department of Fish and Wildlife wardens, who had been in the Concow area and were monitoring the parking lot standoff by radio, also joined Deputy Freeman's team. Hendrix continued to not follow the officers' shouted commands to show them his hands. It then appeared Hendrix was going to start his car and back out of his parking spot. One of the state fish and wildlife wardens attempted to block Hendrix's path with his state truck, but Hendrix put the car in forward gear and rammed through two other parked cars to escape the parking lot onto Highway 70.

Officers rushed to their vehicles and began an eight-mile pursuit at speeds over 100 mph south and west down Highway 70. Other officers in the general area had been alerted and attempted to spike strip Hendrix's car at Highway 70's intersection with Cherokee Road. Hendrix swerved his car at high speed to avoid the spike strip, but officers believed they got part of one tire spiked. A hundred yards down the road, another spike strip was put out and also was partially successful. Later, a final spike strip deployment at the Highway 70 and Pentz Road intersection was more successful and Hendrix's tires began to disintegrate – eventually slowing and bringing the car to a halt in the middle of the highway.

As he slowed down, followed by approximately two dozen officers from various agencies, Hendrix put his left hand out his car window and “flipped off” the pursuing officers. Hendrix threw a black five-gallon bucket lid from his window to the side of the road as he stopped. Officers stopped their cars behind him and ordered him to show his hands out the window. He refused and a standoff ensued. Officers noted during the standoff his driver's door opened slightly.

Sutter County Sheriff's K-9 “Bandit” was brought up to be deployed if Hendrix continued to refuse to show his hands or exit his vehicle. Hendrix eventually opened the door of his car fully and could be seen still seated in the driver's seat looking back at officers, but still refusing to show his hands despite officers' shouted commands.

Hendrix then stood up in his car's doorway shielding his right side away from officers. Hendrix was seen rocking back and forth twice on his feet as if getting ready to spring into action or run. Bandit was then released to take the uncooperative Hendrix down.

At the same time, Hendrix dropped his body weight slightly in the car's doorway and suddenly sprung out from the door position with his right hand rapidly coming from his right hip area. Hendrix moved very rapidly out from the door and squared his body position toward the officers with his right hand coming up to his front. An object was seen in Hendrix's right hand which looked like the barrel of a gun, and was held in the manner one would hold a gun – and aimed toward the officers. Hendrix's left hand then joined with his right to hold the object in a classic two-handed shooter position. Multiple officers from multiple positions surrounding the back of Hendrix's car then shot multiple times believing Hendrix was about to shoot them.

As the multiple shots were impacting Hendrix, K9 Bandit raced toward Hendrix and Hendrix began to fall from the shots. The shots continued as Hendrix kept the gun-like object pointed toward officers as he fell. This fall brought Hendrix down toward the ground level with Bandit. Bandit was hit and mortally wounded by officers' shots. A cease fire order was shouted by several officers and the shooting stopped. Despite his serious wounds, Bandit got up and attempted to continue his apprehension of Hendrix but fell back to the ground. The pit bull dog seen earlier came from inside Hendrix's car and attacked the now prone and dying Bandit. Officers shot and killed the pit bull dog.

Officers then proceeded to handcuff Hendrix and perform life-saving measures on him, including CPR and applying pressure bandages to his wounds. He was however declared dead at the scene

by emergency medical personnel shortly afterward.

A fixed-blade knife was removed from Hendrix during the handcuffing, but no firearm was found. However near Hendrix body was found a six-inch long piece of one-inch diameter steel pipe with a bolt inserted vertically through the pipe toward its rear.

Shooting Officers

There were a total of 25 officers at the end of the pursuit of Hendrix. Five of those officers discharged their firearms for an estimated total of 29 shots – all shots were overlapping with each other and the total volley lasted only 2.5 seconds. All officers noted the barrel-like object they saw in Hendrix right hand and the way he held it and moved convinced them he was bringing a large-caliber hand gun to bear upon them.

The shooting officers and their weapons were:

- California Department of Fish and Wildlife Warden Chad Edwards – a semi-auto .308 caliber rifle – 9 shots.
- Shasta County Sheriff's Correctional Deputy Andrew Clark – a semi-auto .40 caliber pistol – 6 shots.
- Shasta County Sheriff's Deputy Chris VanEyck – a semi-auto .223 caliber rifle – 6 shots.
- Butte County Sheriff's Sgt. Josh Brazzi – a semi-auto .45 caliber pistol – 6 shots.
- Butte County Sheriff's Deputy Kenneth Bryant – a semi-auto .223 rifle – 1-2 shots.

California Fish and Wildlife *Warden Chad Edwards* is an eight-year veteran of the Fish and Wildlife Department. He and his partner warden were patrolling in the Campfire/Concow area when they monitored emergency tones on the BCSO radio network and radio traffic noting that officers at the Yankee Hill Hardware Store were attempting to take into custody a subject in a car. The subject was reported as not cooperating and had stated "they (the officers) should have left him alone" and that "he was not going back." Warden Edwards quickly drove his patrol truck with his partner to the hardware store parking lot where they helped surround Hendrix in his car at gunpoint. The warden saw Hendrix was refusing officers' orders to show his hands and in fact had his right hand concealed behind his back. One of the officers on scene announced he believed Hendrix "had a gun." As his warden partner brought up their patrol truck to block in Hendrix, Hendrix started up his car and after a first attempt to back up through the officers, put the car in forward, striking trucks to the side and in front in making his escape. Warden Edwards ran to his patrol vehicle and got in the passenger side as his partner warden began to pursue Hendrix south on Highway 70 at speeds over 100 mph past many fire engines in heavy smoke. Warden Edward's truck was directly behind and slightly to the left of Hendrix vehicle after it came to a stop in the center of Highway 70 (after being "spiked" three times). Warden Edwards took his rifle and took a position of cover by his truck's front right quarter panel. When Hendrix got out of his car as described above, Warden Edwards said he saw Hendrix rapidly bring up his right hand and in that hand, Warden Edwards saw a dark object – "straight, metallic and consistent with the top of a gun." Believing it to be a handgun, Warden Edwards fired as Hendrix pointed the "gun" down the road at the officers gathered around him. Warden Edwards said his decision to shoot was based upon Hendrix's actions at the hardware store, the dangerous pursuit

and his actions at the end of the pursuit – noting “there was no doubt in my mind that it was his mission to kill one or all of us.” He said he fired until Hendrix was down on the ground and no longer had the gun in his hand. The warden said because of his position to the right of his truck and concentration upon Hendrix and the “gun”, he did not see K9 Bandit come from the left of his truck into his field of fire.

Shasta County Sheriff's *Correctional Deputy Andrew Clark* is a seven-year veteran with that sheriff's office and was with other Shasta County deputies patrolling in the Camp Fire/Concow area when he and the others were asked to rendezvous with a Butte County Sheriff's Deputy (Freeman). Deputy Freeman told the group about the potential of capturing an armed and dangerous subject who was in a car in the parking lot of a nearby hardware store. The Butte County deputy told them the subject had a history of carrying weapons under his coat and was a suspect in a double homicide. Deputy Clark helped others surround Hendrix in his car at gunpoint. He saw Hendrix refuse the orders to show his hands and instead “jammed” his right hand into his right coat pocket. He heard Hendrix say during the standoff in the parking lot that “he (Hendrix) was not going back” and “If you are going to shoot, shoot me, but don't shoot my dog.” Deputy Clark also said he heard, as did other officers, a metallic “click” from inside the Hendrix vehicle that he took for a knife or the safety of a gun. When Hendrix's car pushed out of the parking lot, Deputy Clark and the other officers took pursuit. Deputy Clark noted Hendrix's driving showed little regard for the safety of others as he had “crashed out of the parking lot” and “blew by fire engines’ during the pursuit. At the end of the pursuit, Deputy Clark moved up on foot to a position just behind Warden Edwards at the right passenger door of the warden's truck. When Hendrix came out of his vehicle, Deputy Clark said he saw what he believed was “barrel of a gun” in Hendrix right hand and felt the officers in front of Hendrix were about to be shot. Deputy Clark fired his handgun at Hendrix.

Shasta County Sheriff's *Deputy Chris VanEyck* is a three-year veteran patrol deputy of the Shasta County Sheriff's Office, with a previous five-year stint as a Shasta County Correctional Deputy. He along with Deputy Clark attended the briefing by Butte County Sheriff's Deputy Jay Freeman. Deputy VanEyck recalled the subject they briefed about was out to warrant and considered armed and dangerous, having previously been arrested with weapons under a trench coat. At the hardware store, Deputy VanEyck said he could see clearly through Hendrix's car's back window and saw Hendrix reach into the center console area with his right hand. He then saw “something metal” in Hendrix's hand and announced to the other officers that “he has something in his right hand.” However, the deputy's view was obscured at that point when a pit bull dog stood up in the rear seat. Deputy VanEyck said besides refusing to show officers his hands, Hendrix did say, “You should have just left me alone. I'm not going back.” At the end of pursuit from the parking lot, Deputy VanEyck moved on foot to the left of Butte County Sheriff's Sgt. Josh Brazzi, who was to the left of his Butte County Sheriff's patrol SUV. This SUV was behind and to the left of Hendrix's stopped car. Deputy VanEyck was the farthest to the left (south) of the officers at the scene. When Hendrix made his move out of his car, Deputy VanEyck saw a metal object in his right hand he believed was a gun and he fired his rifle. He noted K9 Bandit had been released toward Hendrix just a moment before Hendrix swung his right arm around in a shooter's mode.

Butte County Sheriff's *Sgt. Josh Brazzi* is a nearly 13-year veteran peace officer with eight of those years with the Butte County Sheriff's Office. He was working that November day at the sheriff's Camp Fire command post at Butte College when his patrol deputy Jay Freeman called him on the phone and told him of the possibility of GD Hendrix being in a car at the Pines Yankee Hill Hardware Store. Sgt. Brazzi was very familiar with Hendrix having been on the SWAT team that served the search warrant in December 2014. He was familiar with the weapons arrest a week later and had directed his patrol team to be on the lookout for Hendrix after a parole warrant was issued for his arrest in July of 2018. He knew Hendrix to be normally armed and dangerous. Sgt. Brazzi told Deputy Freeman to proceed cautiously and if it was confirmed that Hendrix was in the parking lot that a SWAT callout would be considered. Shortly after his telephone contact with Deputy Freeman, Sgt. Brazzi heard on the radio Hendrix had been surrounded by officers in the parking lot, officers had heard a metallic click come from inside the vehicle, and then Hendrix had escaped the lot in his car and was being pursued by officers on Highway 70. Sgt. Brazzi went to the intersection of Pentz Road and Highway 70 to clear the intersection of PG&E personnel and other vehicles. He also directed deputies to set up a spike strip at that location. As Hendrix was speeding through the intersection, he saw the spike strip was run over. Sgt. Brazzi then joined a procession of police vehicles pursuing Hendrix. At the end of the pursuit, Sgt. Brazzi pulled his police SUV to the left and behind the stopped Hendrix vehicle. The sergeant stood at his driver's door and shouted for Hendrix to show his hands. Sgt. Brazzi then saw Hendrix come out of the vehicle and stand briefly in a bladed position keeping his right hand concealed on the opposite side of his body from the sergeant. Sgt. Brazzi then saw Hendrix do a shooter's movement known as a "rock and draw" and swing his right hand up with something in that hand. The movement and object convinced the sergeant that Hendrix was about "to shoot either me or one of the other cops", so he shot his pistol.

Butte County Sheriff's *Deputy Kenneth Bryant* is four-year veteran of the Sheriff's Office. He was reporting for duty at the Camp Fire law enforcement command center at Butte College when he heard radio traffic about Deputy Freeman finding GD Hendrix at the Yankee Hill Hardware Store parking lot. Deputy Bryant was very familiar with Hendrix and his dangerous history. (He had helped on the double-homicide investigation. He was with the SWAT team that served the December 2014 warrant. He had spent a week two months previously looking for Hendrix, knocking on doors, trying to find him.) Deputy Bryant started in that direction to assist when he heard that Hendrix had escaped out of the parking lot and was coming south on Highway 70 at high speeds. Deputy Bryant went to the intersection of Pentz Road and Highway 70 to clear the intersection of civilian vehicles and to help set up a spike strip. He saw Hendrix's car come speeding down the Highway and run over the spike strip. He then ran to his car and joined in the pursuit. At the end of the pursuit, he ran on foot to the front of the stopped police vehicles and took a position to the right of Warden Edwards. He heard the surrounding officers yell to Hendrix to show his hands but receive no cooperation. He then saw Hendrix stand up near the driver's door and rapidly raise his hands into a shooter's stance. He shot his weapon.

Two additional officers – Butte County Sheriff's Sgt. Ryan Gsell and Shasta County Sheriff's Deputy Bryan Sancibrian – were each armed with semi-auto .223 caliber rifles and fired 1-2 rounds at the pit bull dog who came from Hendrix's car and attacked K9 Bandit. The deputies could see that K9 Bandit, though grievously wounded was still alive at the time of the attack.

They were also concerned about the presence of an angry, vicious dog in the middle of the scene as they were moving forward to administer first aid to Hendrix.

Crime Scene Investigation and Examination

Criminalists from the California Department of Justice Bureau of Forensic Services Laboratories in Chico and Redding were called to the scene to act as independent crime scene investigators.

The CSI personnel first examined the Pines Yankee Hill Hardware store scene and found damage consistent with Hendrix's car pushing through a blue Toyota truck and a blue Dodge truck that had been parked to the side and in front of him at that scene.

They gathered the shooting officers' firearms as well as 27 expended (fired) shell casings at the shooting scene and were able to forensically match casings back to individual weapons. The fact that all casings were not recovered was not seen as particularly unusual given the very rural nature of the scene and its heavily trod area. I.e. casings are very light and easily kicked, moved or inadvertently removed from a scene by foot or vehicle traffic. In addition, the weapons collected from the shooting officers were examined to determine how many live rounds remained in the weapon to extrapolate the number of rounds fired as noted above. As noted above, an extensive ballistics examination resulted in matching casings to individual weapons.

CSI personnel noted several bullet strikes to the pavement to the east of the bodies of Hendrix and K9 Bandit. The investigators noted such bullet strikes would shatter the bullets fired there, turning them into shrapnel. CSI personnel also found a recent bullet hole in the guard rail to the southwest of Hendrix's body.

Next to the curb to the southeast of Hendrix's body, a six-inch long piece of one-inch diameter steel pipe with a bolt inserted vertically through the pipe towards its rear was found and recovered. A fixed-blade knife with a 4½-inch blade was found nearby. A folding knife was also collected on the ground next to Hendrix left pocket.

Because of Hendrix history of possession of explosives, the CSI did not search Hendrix car until the next day in the accompaniment of the Butte County Interagency Bomb Squad. No bombs were found, but a fresh bullet hole on the inside of the driver's door near the back edge about six inches below the window sill contained a .45 caliber bullet. The car was reported as jammed with various personal camping and mining equipment as well as a small amount of marijuana.

Subsequent Video Analysis

Investigators gathered and forensically analyzed body camera videos and a dash cam video from the lead vehicle in the pursuit – a California Department of Fish and Wildlife truck with Warden Edwards as its passenger. The dash cam video provided the clearest (and only) view of Hendrix coming from his vehicle and being shot.

A forensic frame-by-frame analysis of the dashcam video revealed a gun-like barrel clasped in Hendrix's hands which was dislodged after he hit the pavement. The object could be seen bouncing and sliding to the south edge of the roadway where it was found during an initial

search of the area. The object was a six-inch long piece of one-inch diameter steel pipe with a bolt inserted vertically through the pipe toward its rear, which was later collected by CSI personnel.

AUTOPSY

On November 16 and 19, 2018, an autopsy was performed on the remains of GD Hendrix by the Sacramento County Coroner at their facility in Sacramento. Pursuant to the policy of the Butte County Sheriff-Coroner, any time a Butte County Sheriff's deputy is involved in the death of a citizen, the autopsy is done by an outside Coroner's Office to avoid the appearance of a conflict.

The Sacramento County Coroner, in a January 13, 2019 report by Forensic Pathologist, Dr. Brian M. Nagao, found the cause of death to be "multiple gunshot wounds." The pathologist determined Hendrix had 22 perforating (through and through) or penetrating (no exit) gunshot wounds – including a graze wound to the left temple consistent with damage to Hendrix's hat and jacket hood. The wounds included all areas of the body – chest, flanks, hips, back (although these wounds were oblique, i.e. coming from the side), left buttocks (again, oblique), right shoulder, right arm, right forearm, right knee and thighs. There was major internal damage to his internal organs and associated tissues. Bullet fragments associated with these wounds were collected during the autopsy and given to the Department of Justice Laboratory to be examined. Generally the fragments were too badly deformed to attribute to a particular caliber much less a particular gun. A .30 caliber round (consistent with a .308 caliber) was found loose in Hendrix's jacket hood. Bullet fragments in the soft tissue of Hendrix's left side back were found consistent with the remains of .30 (.308) caliber round. Fragments consistent with two .40 caliber rounds were found in Hendrix left thigh. The only other fragments which could be determined were two .22 caliber (consistent with .223 caliber) rounds, which were found in the left and right hips.

In addition, the pathologist noted there were potential graze wounds to Hendrix's right chest, right arm and left thigh. Also noted were several abrasions and superficial defects to the skin, consistent with "multiple projectile fragment wounds." (These wounds were most likely from rounds that shattered upon impact with the ground near where Hendrix fell.)

Of particular note, toxicology of Hendrix's blood revealed the presence of a moderate amount of THC (marijuana) and an extraordinarily high level of methamphetamine (890 ng/mL). By way of comparison, levels of 200 – 600 ng/mL have been reported in methamphetamine abusers who exhibited violent and irrational behavior as well as restlessness, confusion, and hallucinations.

No signs of any cancer were detected during the autopsy of Hendrix.

NECROPSY OF K9 BANDIT AND PIT BULL

The remains of Sutter County Sheriff's Office K9 "Bandit" and the Hendrix pit bull were taken to the California Department of Fish & Wildlife - Wildlife Investigations Laboratory in Rancho Cordova where a separate forensic necropsy was performed on each on November 16, 2018 under the direction of Dr. Deana Clifford.

The final report of November 26, 2018 revealed K9 Bandit suffered four (4) significant deep penetrating gunshot wounds to his neck, thorax, abdomen and pelvis. Bullet fragments associated with the wounds were too badly damaged to determine caliber other than one fragment consistent with a .22/223 caliber round.

The report showed the pit bull dog suffered a single gunshot wound to the right upper shoulder extending through the neck and spinal cord. The bullet fragments associated with this wound were too badly damaged to determine caliber.

LEGAL PRINCIPLES

Under established California and federal law, a finding of criminal liability (such as murder or manslaughter) on the part of the involved shooting officers can only be found if it could be established beyond a reasonable doubt that each did not act in reasonable self-defense or defense of his fellow officers. Under the law of self-defense and defense of others, a good faith reasonable belief in the necessity of the use of force, even if mistaken, would defeat the prosecution's burden of proving a criminal homicide or assault beyond a reasonable doubt.

To further illustrate, California juries are instructed that:

A defendant is not guilty of murder or manslaughter if he was justified in killing someone in self-defense or defense of another. The defendant acted in lawful self-defense or defense of another if:

- 1. The defendant reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury.*
- 2. The defendant reasonably believed that the immediate use of deadly force was necessary to defend against that danger;*

AND

- 3. The defendant used no more force than was reasonably necessary to defend against that danger.*

Belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be. The defendant must have believed there was imminent danger of death or great bodily injury to himself or someone else. Defendant's belief must have been reasonable and he must have acted only because of that belief. The defendant is only entitled to use that amount of force that a reasonable person would believe is necessary in the same situation. If the defendant used more force than was reasonable, the killing was not justified.

When deciding whether the defendant's beliefs were reasonable, consider all the circumstances as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant's beliefs were reasonable, the danger does not need to have actually existed.

If you find that the defendant knew that the decedent had threatened or harmed others in the past, you may consider that information in deciding whether the defendant's conduct and beliefs were reasonable.

Someone who has been threatened or harmed by a person in the past, is justified in acting more quickly or taking greater self-defense measures against that person.

The People have the burden of proving beyond a reasonable doubt that the killing was not justified. If the People have not met this burden, you must find the defendant not guilty of murder or manslaughter.

LEGAL/FACTUAL ANALYSIS

Each shooting officer made their own individual decision whether to shoot as Hendrix made his "rock and draw" shooter motion with a piece of pipe in his hand. It appears clear in interviewing each shooting officer as well as the non-shooting officers that they all truly believed Hendrix was bringing up a gun to shoot at them, which would have caused death or great bodily injury. Their individually expressed beliefs in the perceived danger appear reasonable.

As the reasonably perceived attack by Hendrix was so sudden, the officers said there was no time available for other force options in the face of this rapid hostile attack. The officers each felt an immediate deadly force response was necessary to prevent Hendrix from shooting them or other officers. Their individually expressed beliefs in the immediate use of force was reasonable.

Each of the officers noted in their experience and training, lethal force by an opponent should be countered with equal lethal force to protect themselves and others. In this instance, the officers were asked if there were less lethal options available to them such as Tasers or bean bags. The officers noted Hendrix was too far away for Tasers to be effective. Additionally the perceived attack was so quick, dangerous and forceful that they believed a less lethal response would have been ineffective in saving lives. Such belief is reasonable.

We also must consider all the circumstances known to the shooting officers: that GD Hendrix was previously convicted of explosive and weapons offenses involving him hiding firearms on his person; that he was a double-murder suspect who was on the run from the law as a parole absconder; that he had adamantly refused to show his hands even when commanded by officers surrounding him with weapons at two separate locations; that he had expressed a fatalistic and threatening ideology to the officers, i.e. "I'm not going back!" and "You should have left me alone!"; that he had positioned himself in a way to conceal his right hand from officers before bringing that hand up with an object that looked like and was held remarkably like a gun barrel; and that his final movement was to appear to bring his hands together in a classic shooter's stance as he "squared up" and rapidly moved toward the officers in front of him.

CONCLUSION

When considering all these circumstances, it is found that the officers' individual beliefs of immediate danger which needed to be immediately responded to by deadly force are reasonable beliefs even in the face of the fact that GD Hendrix was not actually armed with a firearm. Any reasonable jury would find the officers' shootings justified. No criminal liability attaches to any

of the involved officers' actions.

As an aside, protocol investigators noted although it is impossible to determine definitively why Hendrix took his action of feigning that he had a firearm, they nonetheless strongly suspected that because Hendrix was adamant about not going back to prison, he goaded officers into shooting and killing him – a so-called “Suicide by Cop”.

As always I thank the Butte County Officer Involved Shooting/Critical Incident Protocol Team for their excellent, professional and unbiased investigation into this case.

Yours very truly,

Michael L. Ramsey

District Attorney

Cc: Butte County Officer Involved Shooting/Critical Incident Protocol Team