



# BUTTE COUNTY DISTRICT ATTORNEY



**MICHAEL L. RAMSEY**  
District Attorney

**MARK MURPHY**  
Chief Deputy District Attorney

**JUAN DIAZ**  
Chief Investigator

February 11, 2019

Sheriff Kory L. Honea  
Butte County Sheriff's Office  
5 Gillick Way  
Oroville, CA 95965

**RE:** Shooting Death of **Myra Micalizio** (DOB: 05/05/1961) on **April 26, 2018**  
Butte County Sheriff's Deputies **Charles Lair** and **Mary Barker**  
BCSO Case # 18-14032  
BCDA Case #1800181

Sheriff Honea:

On April 26, 2018, at approximately 6:49 p.m., Butte County Sheriff's Deputies Charles Lair and Mary Barker were dispatched to a disturbance at 2185 Stanley Drive, in the rural community of Palermo. The reporting party claimed that a "strange woman" had arrived in a dark sedan and was trespassing outside the reporting party's family's home threatening to shoot them. Once there the deputies saw Myra Micalizio outside her sedan. The deputies parked behind Ms. Micalizio's vehicle and ordered her to stop and show her hands. Instead of complying, the deputies and nearby civilian witnesses stated Ms. Micalizio quickly leaned into her vehicle then got in and started it, rapidly accelerating back towards the deputies, who were on foot directly behind the car. The deputies shot toward the car and the driver, Ms. Micalizio, killing her.

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 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 any 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 of that review.

## FACTUAL SUMMARY

Sometime after 6:30 p.m. on April 26, 2018, a disturbance occurred at 2185 Stanley Drive, a rural west/east dirt and gravel road running to the east of Lincoln Boulevard, just north of the

community of Palermo. The residential address at that location consisted of a group of three trailers at the end of a 60-yard long dirt/gravel driveway which ran south of its gate on Stanley Drive. Two of the trailers were occupied and were oriented at a right angle to each other with a third trailer to the east acting as an unoccupied storage unit.<sup>1</sup>

Three residents were inside the middle trailer when they heard a female “yelling” outside. The 51-year-old matriarch of that residence went outside to find a middle-age woman “going through” a large assortment of furniture, clothing and household items which was piled in front of the trailers. The mass of items had come from a recently deceased relative’s residence in Oroville and had been put there approximately three weeks earlier for later sorting. The female resident did not recognize the woman in the front of her residence and later told investigators she had never seen the woman before. The unknown woman asked the female resident if she was having a yard sale. The female resident told her she was not having a yard sale which caused the unknown woman to raise her voice and say she wanted to buy all the items. The unknown woman said she had a “trillion dollar bill” and wanted to know if the resident had change.

The female resident told the unknown woman the items were not for sale and the woman should leave. The woman said she was not going to leave and the female resident asked her a second time to leave or she would call the police. This angered the unknown woman who then began to “escalate” her strange behavior, forming her hand into a “finger gun” and simulating firing a gun at the resident, claiming she could “smoke you right now” and that she would “have the FBI have you out of here.”

The female resident’s 26-year-old son and a 46-year-old male friend, also residents in the same trailer, had also come outside in response to the unknown woman’s yelling. They also noted they had never seen the woman before and that she was acting “strange”, yelling and making “finger guns” and simulating shooting at them while threatening to “snuff them” or “get the FBI” or “smoke them out.” A 28-year-old male resident of the other occupied west-side trailer on the property also heard the disturbance out in front of his trailer and came outside, seeing the unknown woman and heard her screaming non-stop words to the effect of “I’m crazy! I’m crazy! I’m crazier than a lunatic!”

The female resident called the Butte County Sheriff’s 911 Emergency Dispatch Center at approximately 6:37 p.m. She described the threatening situation to the answering dispatcher, describing the unknown woman’s car and license plate number and said the woman was “threatening like she’s going to shoot me and kick my butt.” The dispatcher asked the resident if she had seen any weapons, to which the resident replied that she “did not see any now.” The unknown woman could be heard yelling in the background of the 911 call. The female resident further described what the unknown woman was wearing and the dispatcher told the resident to go back in her residence and deputies would be there in a few minutes.

At approximately 6:40 p.m. the BCSO dispatcher then radioed Deputy Charles Lair (Unit 14) to respond to a disturbance (415 call) at 2285 Stanley Drive where a female was refusing to leave and that the female was threatening to shoot the reporting party. The dispatcher said it was

---

1. See Exhibit 1 – An overhead drone photo of the Stanley Drive property some weeks after the incident to give some perspective of the major structures and trees in the area.

“unknown if she had any weapons.” The dispatcher gave a description of the threatening female and her car. Deputy Mary Barker (Unit 75) also overheard the radio call and acknowledged she would respond as did Deputy Lair.<sup>2</sup>

Both deputies Lair and Barker had just cleared a service call in the south Oroville area when they received the radio call from the BCSO dispatch center assigning them to the 2285 Stanley Drive call. They drove south on Lincoln Boulevard with Deputy Barker following Deputy Lair in their respective marked Ford Explorer patrol SUVs. They did not turn on lights or sirens as traffic was light and Code 2 response was sufficiently quick.

As the deputies were on their way, the original reporting party, the resident female, called 911 back, being initially routed through the California Highway Patrol dispatch center to the BCSO Dispatch center – something that sometimes happens when making a 911 cellular call in the rural county areas. The resident female stated the unknown woman was still out front of her residence “screaming she is going to shoot us” and that “she is not right.” The BCSO dispatcher assured the female resident that deputies were enroute to her residence.

Deputies Lair and Barker arrived at the driveway gate of 2285 Stanley Drive and turned right, down (south) the driveway, announcing their arrival (“10-97”) on scene to the dispatch center at approximately 6:49:15 p.m. Deputy Lair’s vehicle was in the lead with Deputy Barker’s vehicle behind. Each deputy noted in subsequent interviews that as they pulled into the driveway they could see a middle-aged woman, as described by the reporting party, moving near a black Mercury Sable sedan parked at the end of the driveway in front of them. The deputies could also see three persons in the front of three residential trailers pointing at the woman. The woman was looking directly at the deputies as they pulled their marked SUV patrol vehicles onto the driveway.

Deputy Lair parked his patrol vehicle in the driveway approximately 50-80 feet behind the Mercury Sable and Deputy Barker parked her patrol vehicle approximately 10 feet behind Deputy Lair’s vehicle slightly towards the left side of the driveway.

Within 10 seconds, at **6:49:25 p.m.**, Deputy Barker radioed they were “out with the responsible.” The deputies said as they got out of their vehicles, the middle-aged woman, who they saw near the Sable, walked from the right (passenger) rear side of the vehicle across its rear to the driver’s side.

Deputy Lair, walking in the lead, noted he had a clear view of the woman as she walked and looked directly at him, but noted the woman kept her front to the deputy and her hands were either behind her or in her pockets as she moved around the rear of the vehicle. He said he could

---

2. See Exhibit 2 – A compilation video transcript of the 911 calls from 2285 Stanley Drive and BCSO radio calls relevant to those calls. Please note that times are approximate as the BCSO Dispatch Center uses three different recording/documentation systems (911 System, CAD System, Radio Log) in the course of the center’s work, each with its own internal clock system which is slightly different from the other. Therefore each timestamps the same event at a slightly different time. For Exhibit 2, the Radio Log timestamp is used for consistency as investigators felt it gave the most accurate time relative to each of the events recorded as the timestamp is automatically generated with each activation of a radio microphone.

not see her hands and was concerned she may have a gun in her hand due to the previous radio call about a possible weapon.

Deputy Lair said he pulled his duty weapon, a Glock .45 caliber semi-automatic pistol, from his holster and loudly commanded the woman to “show her hands,” as he walked slowly toward her at approximately **6:49:33 p.m.**

As Deputy Lair walked toward the woman, he said he continued to shout commands for her to show her hands as he pointed his pistol at her. As he was approximately 10 - 12 feet to the rear of Mercury Sable, the woman got to the driver’s door of the car, where she turned her body completely around once, lifting her hands slightly in front of her, which allowed the deputy to see her hands were empty. At that time however, the woman “bolted” through the driver’s side door of the Sable. Deputy Lair said he thought the woman was possibly going for a weapon and would come out with one.

He continued to walk towards the car and woman, when suddenly the woman got fully into the driver’s seat and turned on the vehicle, putting it into reverse. He saw the backup lights come on, heard the engine rapidly accelerate and the tires spinning in the gravel of the driveway.

At approximately **6:49:44 p.m.**, Deputy Lair said the car came to within 6-7 feet of his position to the left rear of the vehicle when he discharged his weapon at the car and woman as the vehicle continued accelerating back toward him. He said he was possibly stationary when he fired his first few rounds. He said he then continued to fire his pistol as he started moving to his left (east) and the car seemed to follow him in that direction. Deputy Lair said his aiming point was initially through the rear window of the vehicle, and as he was moving, through the left rear side window of the vehicle as it moved. Deputy Lair said he believed he shot a total of 6-7 times in rapid succession. The deputy said he believed the woman was intentionally attempting to run him over.

He said after he fired he believed he hit the woman as he saw her slump to her right toward the right front passenger seat. The car began to slow and start a reverse clockwise arc around Deputy Lair. The deputy said as the vehicle continued to roll slowly backwards in the arc, he walked over to it, opened up the driver’s side door and attempted to stop the vehicle a couple of times by putting his left foot on the brake, but stopped after he stumbled and nearly fell. The deputy said he could see from the arc of the vehicle that the rear of the vehicle was going to hit a pile of debris, which he believed would stop the vehicle. He said when the rear of the vehicle hit the pile of debris it came to a stop.

Deputy Barker corroborated Deputy Lair’s recollection of the events. As she parked her patrol vehicle, Deputy Barker said she heard Deputy Lair yelling at the woman to show him her hands. She saw the woman look at Deputy Lair as he yelled at her to show her hands while pointing his weapon at her. She saw the woman reach into the vehicle’s driver’s side. Deputy Barker said she un-holstered her gun, a Glock 9 mm semi-automatic pistol, believing the woman was reaching into the car for a weapon. The woman’s legs were initially outside the car and Deputy Lair was pointing his pistol at the woman to stop. She then saw the woman jump fully into the driver’s seat and shut the door. Deputy Barker said she saw the reverse lights of the vehicle come on and the car quickly accelerate in reverse at Deputy Lair. She heard Deputy Lair yell stop and then

fire his weapon at the woman in the car while he was approximately 6-9 feet to the rear of the woman's car. The car continued accelerating backwards toward Deputy Lair. Believing her partner was in danger of being run over, Deputy Barker said she also opened fire with her pistol, believing she shot 5-6 rounds. Deputy Barker put out a "shots fired" notification on her radio at approximately 6:49:44 p.m.

Deputy Barker said she believed the woman was hit by gunfire as the woman slumped to the right in the driver's seat and the vehicle began a slow clockwise arc rolling past her and Deputy Lair. The car passenger side passed her in an arc which put it between her and Deputy Lair. Deputy Lair approached the car as it was still rolling, opened the door and attempted to put his foot on the brake to stop the vehicle. Deputy Lair then abandoned his attempt to stop the car and let the car roll into a debris/brush pile which stopped the vehicle.

Deputy Barker said she did not personally feel threatened by the car's movements because she was further back from it, but she felt Deputy Lair was definitely in danger of being run down – leading her to fire at the car and woman to save her partner's life.

Both deputies said Deputy Barker pulled the woman from the car after it stopped and began CPR as Deputy Lair went to his vehicle to obtain his medical bag and assist. Other deputies arrived within a few minutes of the shooting and took over the CPR lifesaving efforts. CPR was continued by deputies until Cal Fire medics arrived and took over at approximately 6:54 p.m. At approximately 6:59 p.m. ambulance medics arrived and assisted with life-saving efforts but those efforts were called off and the woman was officially declared dead at approximately 7:23 p.m.

Both Deputies Lair and Barker were equipped with body-worn cameras, but both said they did not activate their cameras until after the shooting because the sudden actions of the woman consumed their attention so quickly they did not have time to activate the cameras as they dealt with the evolving immediate threats.

Interviews of the civilian residents of the 2285 Stanley Drive also corroborated the deputies' recollection of the events leading to the shooting. Those residents were interviewed on scene (on body cameras) by responding deputies; wrote handwritten statements; and were later interviewed in depth by protocol investigators. Each of the three in the middle trailer said they could clearly see the actions of the woman and the deputies in their front yard area. <sup>3</sup>

The residents said they saw the clearly marked deputies' patrol vehicles come east on Stanley Drive and turn down their driveway. They said the unknown woman was looking at the deputies' SUVs as they arrived and the woman began to walk to the driver's side of the Mercury Sable. They saw and heard the deputies get out of their SUVs; identify themselves as "sheriff's office"; and yell at the woman to stop and show her hands. Each saw the woman quickly jump into the driver's side of the car; turn the car on; rev the engine; and rapidly accelerate ("floored it") backwards toward the deputies. They felt the deputies were in imminent danger of being run down and the car moved approximately 20 feet toward the deputies when the deputies opened fire as the car closed on them.

---

3. As noted above, the arrival of Deputies Lair and Barker and the shooting was approximately 6:49 p.m. Sunset that day was at 7:55 p.m. It was a clear sunny day.

The female resident said: “they had no choice. They had to, they had to do something. I don’t blame them for what they did. I mean, they were in danger. She tried to run them over.” She noted the deputies had a look of fear in their faces.

After a volley of shots began from the deputies, the trio said they took cover behind their trailer. After the shooting of what they believed to be approximately 8 shots ceased, they came out and saw the Mercury Sable slowly moving toward the other trailer on the property then stop and the deputies pull the woman out of the car and begin CPR.

The resident in the west trailer had gone back into his residence after the neighboring female resident had called the sheriff’s office and put on headphones to play a computer game. This game was interrupted when he heard over the headphones a volley of shots and a “clack” of something hitting his trailer. He felt the unknown woman may have been firing at his trailer. He went out the back of his trailer and came around to the front yard area to see a female deputy doing chest compressions on the unknown woman he had seen earlier.

A neighborhood canvas failed to discover any other eye witnesses to the events leading to the shooting or the shooting itself. However, several heard the shots. One neighbor to the southwest of the shooting scene heard what he believed to be five shots with one striking in the woods near his house. Another neighbor to the southeast heard what she thought was 15 pops consistent with firecrackers.

While at the scene, investigators took fingerprints from the body of the unknown woman. The Mercury Sable at the scene was registered to a Myra Micalizio at 6539 Lincoln Boulevard which was approximately ¼ mile north (as the crow flies) of the Stanley Drive scene (approximately .5 miles by surface streets). Using this information, investigators compared the thumbprint on Myra Micalizio’s DMV records to a thumbprint taken from the unknown woman’s body. A match was made to Myra Micalizio, 53, 6539 Lincoln Boulevard.

## **AUTOPSY**

On April 30, 2018, an autopsy was performed on the remains of Myra Micalizio by the Sacramento County Coroner at their facility in Sacramento. Pursuant to the policy of the Butte County Sheriff-Coroner, any time a 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, through a September 14, 2018 report by Chief Forensic Pathologist, Dr. Jason P. Tovar, found the cause of death to be “multiple gunshot wounds.” The pathologist determined Ms. Micalizio had been shot a total of 5 times near the spinal cord in the upper, mid and lower back. Ms. Micalizio’s spine had been damaged in three areas, and there was major internal damage to her lungs, diaphragm, liver, aorta, ribs and associated tissues. Three of the wounds were classified as through and through, i.e. the bullet had passed through the body and exited the front of her body. Two projectiles, later identified as .45 caliber bullets, were recovered in her neck and near the right shoulder joint. The path of all wounds were generally back to front, left to right and upward.

Toxicology revealed evidence of THC (marijuana) ingestion some 6 to 24 hours before death.

## **SUBSEQUENT CRIME SCENE / FORENSIC INVESTIGATION**

Subsequent forensic and crime scene investigation largely corroborated the statements and views of the involved deputies and scene witnesses. The scene of the shooting was extensively examined by CSI investigators from the team, utilizing photos, 3D laser survey scanners, drones, trajectory stakes and subsequent ballistic work in the Department of Justice lab.

In summary<sup>4</sup>, Deputy Lair fired his .45 caliber Glock semi-automatic pistol nine (9) times at Ms. Micalizio's vehicle. This was determined by counting the rounds he had left in his pistol, the number of expended .45 caliber casings (8) recovered at the scene and the number of .45 caliber projectiles recovered at the scene, in the car and at the autopsy (9). Investigators later concluded one casing was never recovered at the scene. The general trajectory of Deputy Lair's shots were from the rear of the vehicle through car's rear windshield and the rear driver's side window largely through the interior of the car and through the driver's seat, impacting Ms. Micalizio five (5) times. The trajectory of these rounds was consistent with the vehicle backing toward the deputy and him attempting to step to his left. His .45 caliber casings were found in a general trailing line to the left (trailing west to east) of the driveway.

Deputy Mary Barker fired her 9mm Glock semi-automatic pistol six (6) times at the Mercury Sedan. She shot generally from one position about 15-17 feet in front (south) of Deputy Lair's SUV patrol vehicle and approximately 20 feet behind (north) of Deputy Lair. Her six (6) shots were determined by the number of live cartridges (rounds) left in her pistol and the number of 9mm casings at the scene. Five (5) projectiles were recovered – three (3) were recovered inside the car, and two (2) were recovered inside the two occupied trailers at scene. One projectile was not recovered and may have skipped off the roof of the Mercury Sable into the woods behind the scene. (Recall that one neighbor to the southwest thought a round impacted in his wooded area – although a search for that round was unsuccessful). No rounds from Deputy Barker impacted Ms. Micalizio's body.

Marks on the ground, including fresh friction acceleration marks in the hard gravel and dirt surface of the driveway, corroborated Deputy Lair's statement (as well as the other witnesses) that Ms. Micalizio suddenly and aggressively floored her vehicle backward toward the deputy.

## **FAMILY AND NEIGHBOR INTERVIEWS/ MEDICAL HISTORY OF MYRA MICALIZIO**

Discussion by investigators with family members noted Myra Micalizio to be a generally benign person who kept largely to herself and was not currently employed. Some family members noted however that she had some undiagnosed mental health problems that caused her to be "odd" and occasionally talk with persons or objects not there.

A medical record review showed Ms. Micalizio had complained for some time about suffering from severe migraines, dizziness, neck and back pain. She had undergone several imaging and electrical tests of her brain and was suspected of having some seizure issues.

---

4. See attached **TRAJECTORY SUMMARY AND ROUND/HIT COUNT** for detail.

On January 29, 2018 Ms. Micalizio reported to family members she was attacked by an unknown assailant in her residence and hit in the head with a bowling ball from behind and was “beat up.” She claimed the attacker had broken through a gate on her property. The family reported this to the sheriff’s office and deputies and an ambulance responded. However, no sign of an intruder, broken gates or injury to her body was found.

Neighbors to Ms. Micalizio noted she generally kept to herself. One neighbor couple however noted a change in Ms. Micalizio’s behavior just days before the shooting. The neighbors described how for two days Ms. Micalizio was heard yelling in front of her house and the neighbors could see no one else around. The neighbors also saw Ms. Micalizio standing near the edge of Lincoln Boulevard near her house making large, “weird” waving gestures with her arms and hands at passing vehicles.

## CONCLUSION

For whatever reason, medical or psychological, Myra Micalizio, on April 26, 2018, went to a rural residence off of a dirt/gravel road and caused a disturbance which was out of character for her normally mild manner and reticent nature. Rummaging through household furniture and goods piled in front of a stranger’s home, she insisted on buying the items with a “trillion dollar bill.” When she was refused, she became very angry and animated, threatening the residents with shooting, smoking them out, and getting the FBI to come.

When Deputy Lair, a 16-year veteran of the Sheriff’s Office, and Deputy Barker, a two-year veteran, came on the scene, they immediately saw the woman who was described in an earlier radio broadcast as possibly being armed. Deputy Lair, taking the lead, got out of his vehicle and attempted to approach the woman and find out what was happening. However she quickly got in her vehicle, started it, rev’ed the engine, put it in reverse and “floored it” coming rapidly back at the deputy. Deputy Lair, said he was in fear the vehicle was aimed at him and would run him down. Three civilian witnesses and his partner deputy agreed with his assessment. Deputy Lair fired a volley of shots at the car and driver to stop its progress. His partner officer also fired a volley of shots to stop the threat. After it was determined Ms. Micalizio was down in her seat and her car was slowing, they stopped firing.

In checking the timestamps on the radio transmissions describing in real time what was going on at the scene, investigators determined that there was substantially less than 11 seconds from the time Deputy Lair started to approach Ms. Micalizio and she got in her car and gunned it toward him, causing him and his partner to fire their weapons.

In order for the involved deputies to be justly and lawfully charged and convicted of a crime in this incident, it is the prosecution’s burden to prove beyond a reasonable doubt that each deputy was not acting in the performance of his or her duty and did not act in reasonable and justifiable self-defense when they discharged their firearms at the Mercury Sable and Ms. Micalizio. The prosecution in this case would be unable to carry that burden.

A jury analyzing the facts would conclude both deputies were acting in the discharge of their duties in responding to the call from the frightened citizen at 2185 Stanley Drive. A jury would then have to determine whether Deputy Lair reasonably believed he was faced with “imminent”

danger of death or great bodily injury. Similarly the same jury would have to determine whether Deputy Barker reasonably believed her partner was facing imminent death or great bodily harm. Courts have defined the term “imminent” to mean any peril must have existed or appeared to the defendant [deputy] to have existed at the very time the fatal shot or shots were fired. The undisputed evidence shows that the deputies and eyewitnesses reasonably believed Deputy Lair was in imminent danger of being run down by Ms. Micalizio’s car.

Next a jury would have to determine whether the “use of force” by the deputies was reasonable under the circumstances. The U.S. Supreme Court noted in the seminal officer-involved case of *Graham v. Conner* (1989) 490 U.S. 386, that the reasonableness of a particular use of force must be analyzed from the perspective “of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” The Court further cautioned that the determination must “allo[w] for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and evolving.”

Certainly it could be argued that Deputy Lair could have chosen to attempt to jump out of the way of the rapidly advancing vehicle. However that would call into effect two principles of law of self-defense. First, under California law, jurors are instructed that a person exercising the right of self-defense “is not required to retreat . . . he or she is entitled to stand his or her ground and defend himself or herself . . . this is so even if safety could have been achieved by retreating.” Second, under federal law as noted in a 9<sup>th</sup> Circuit Court of Appeal opinion (*Scott v. Henrich* (1994) 39 F.3d 912: “[r]equiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment. In the heat of battle with lives potentially in the balance, an officer would not be able to rely on training and common sense to decide what would best accomplish his mission. Instead, he would need to ascertain the least intrusive alternative (an inherently subject determination) and choose that option and that option only. Imposing such a requirement would inevitably induce tentativeness by officers, and thus deter police from protecting the public and themselves. It would also entangle the courts in endless second-guessing of police decisions made under stress and subject to the exigencies of the moment. Officers thus need not avail themselves of the least intrusive means of responding to an exigent situation; they need only act within that range of conduct we identify as reasonable.”

Whether Deputy Lair would have been able to leap out of the way in time to save his life is precisely the subjective second-guessing the 9<sup>th</sup> Circuit cautioned against.

As to any additional speculation about the number of shots fired by the deputies, jurors would inevitably be pointed to another recent U.S. Supreme Court decision which held, “police officers are justified in firing at a suspect to end a severe threat to public safety, [and] the officers need not stop shooting until the threat has ended.” *Plumhoff v. Rickard* (2015) 572 U.S. 765.

As noted above, it would be impossible to convince all twelve members of a jury beyond a reasonable doubt that Deputies Charles Lair and Mary Barker did not have a palatable self-defense/defense-of-another argument.

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

Micalizio OIS  
February 11, 2019  
Page 10

Yours very truly,

Michael L. Ramsey  
District Attorney

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

Attachment

## TRAJECTORY SUMMARY AND ROUND/HIT COUNT

### **Chuck Lair:**

Glock Model 21 (.45 ACP) 13 round magazine capacity +1 in chamber (14 rounds total)  
Examined and contained 4 live rounds in magazine, 1 round in chamber (5 rounds total left in gun)

14-5= 9 rounds fired

8 spent .45 casings located on scene.

### **9 projectiles recovered-**

#### **2- Recovered at autopsy (in body)**

(HIT) Projectile # 552078 (.45 ACP) (right anterior lateral neck)

(HIT) Projectile #552082 (.45 ACP) (right anterior lateral shoulder)

#### **1- Recovered in decedent's hair on scene**

(HIT) DOJ 20- contained black material (Only place where black material is obviously removed from the vehicle is the rubber insulation surrounding the rear, driver side window)

#### **6- Recovered from the interior of the vehicle**

(HIT) DOJ 18- contained black material (Only place where black material is obviously removed from the vehicle is the rubber insulation surrounding the rear, driver side window), recovered near the center console of the vehicle.

DOJ21- located passenger side floor board

(HIT) DOJ23- located on front passenger side floor board, blood, tissue, foam, tan fabric

DOJ25- located in the driver's side head rest on the left side

DOJ27- located in the passenger side door

DOJ29- located in the driver's seat on left side

### **7- Trajectories through the driver's seat of the car (.45 ACP)**

(2) DOJ 18 and DOJ20 have multiple points of references and have both blood and black material in the nose cone. This assists in suggesting a trajectory through the vehicle and potentially the decedent.

(TR4 or TR5)

Two of those trajectories end with a projectile lodged in the driver's seat.

(1) DOJ-25 - lodged in the driver's head rest

-(TR8)

(1) DOJ 29 -lodged in the middle of the driver's seat on the left side

- (TR9)

Both of these projectiles are difficult to assign a trajectory because they only have 1 point of reference.

(1) Trajectory perforates the driver's seat on the right rear side, through to the front of the seat and create penetrating wound in the decedent. Round recovered at the autopsy (552082 (shoulder).

(TR2 or TR3)

-Projectile number 552082 had yellow foam in nose cone, evidence it passed through the seat.

(1)Trajectory perforates the driver's seat on the right rear side, through to the front of the seat and created penetrating wound in the decedent. Round recovered at the autopsy 552078 (neck)).

(TR2 or TR3)

(1) Trajectory perforating the driver's seat on the upper right rear side, through the front of the seat (possibly) through the decedent and striking the glove box door on the passenger side of the vehicle

(TR1)

- It is possible this trajectory is associated with projectile number 23 as it contained blood, tissue, tan fabric and foam.

### **Trajectories not through the seat**

(1) Trajectory from the rear windshield on the upper right and corner, traversing through the vehicle from back to front, from right to left. Perforating the driver' side sun visor on the right side, then striking the front windshield, causing damage but not penetrating.

(TR7)

Unknown which projectile this trajectory is associated with. (21 or 23)  
Likely 21 due to 23 having blood tissue and tan fabric, suggesting it went through seat.

(1) Trajectory from the rear driver side window, moving through the car generally, left to right, back to front, up to down, which terminated in the



Glock Model 17 Generation 4 (9 millimeter) 17 round magazine capacity +1 in chamber (18 rounds total)

Examined and contained 12 live rounds in magazine, 1 round in chamber (13 rounds total left in gun)

18-13= 5-6 rounds fired- it is a known and tested issue with most 9 mm Glock magazines an extra round can be added to the magazine without the knowledge of the person loading the magazine. I have personally conducted tests on Glock Model 17 and 19's and I know the firearms function flawlessly with an extra round loaded in the magazine.

6 spent 9mm casings located on scene, it is apparent the Glock 17 magazine was over loaded

**5 projectiles recovered-**

**2- Recovered at scene in surrounding buildings.**

-DOJ17 and JSC1 are both identified as nominal 38/9mm caliber projectiles.

Both items recovered from trailers at the scene.

**3- Recovered from the interior of the vehicle**

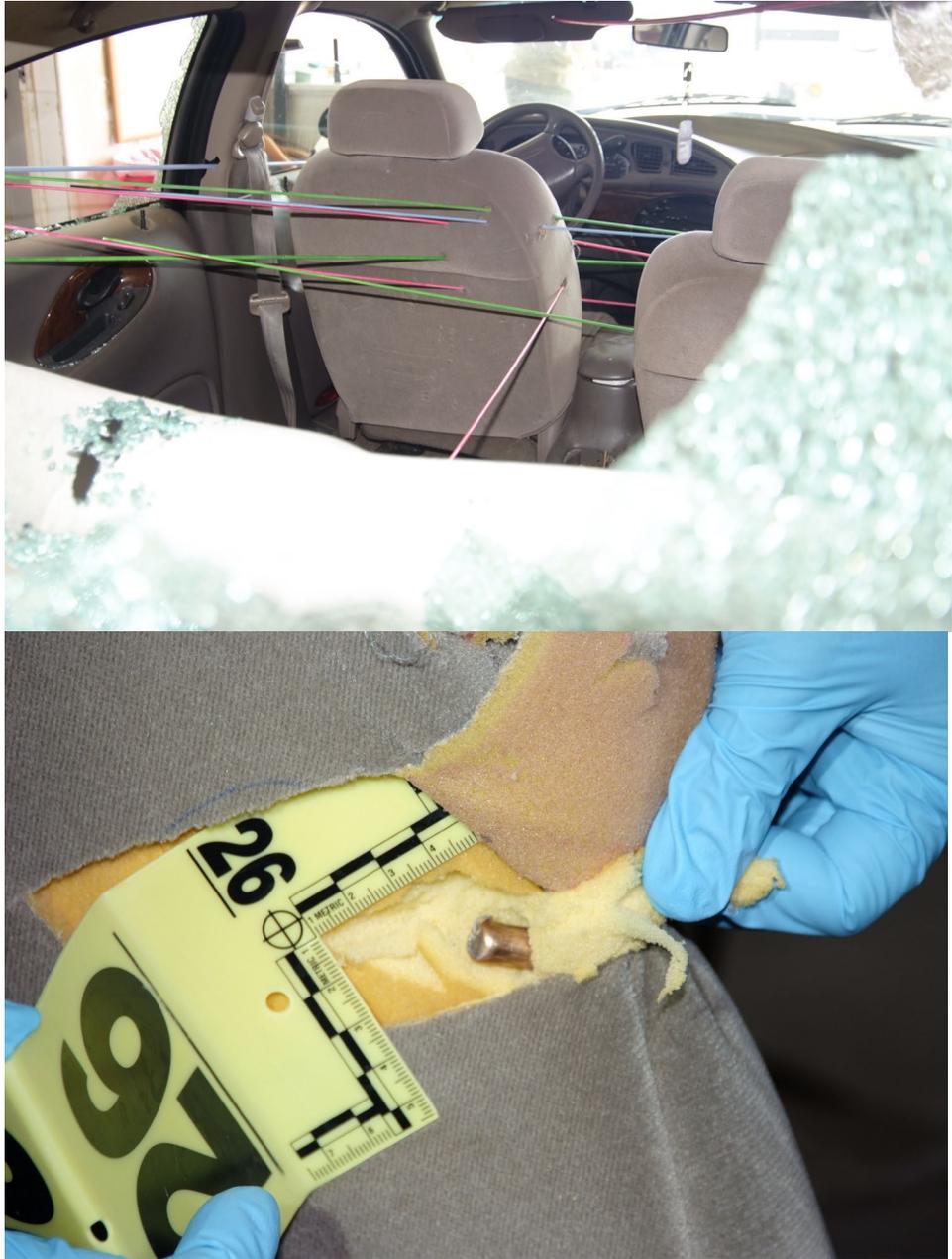
DOJ24- went through the rear trunk area of the vehicle, passed through objects inside the trunk and lodged into the trunk carpet.





DOJ26- Passed through the rear trunk of area of the vehicle, through the back seat, and lodged into the right side of the driver's seat, approximately the shoulder area of the driver's seat.





DOJ28- appears to have passed through the back seat window on the driver's side, passing through the molded plastic on the "B" pillar and

then located behind the molding on the "A" pillar.





**1 – Round unaccounted for.**

There is an apparent bullet strike on the passenger side roof of the vehicle.

The strike is an apparent gouge in the metal, which is consistent with a bullet strike. It is unknown if this bullet strike is associated with one of the projectiles located in the trailers on scene, or if this projectile skipped off of the vehicle and was never located. All .45 ACP rounds (Deputy Lair) are accounted for. This means the gouge on top of the vehicle is a 9mm round fired by Deputy Barker.

