



Butte County

LAND OF NATURAL WEALTH AND BEAUTY

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PRESS RELEASE

Embargoed until 10:00 a.m.

October 15, 2007

Game Warden Shooting Ruled “Justified Homicide”

After review of an investigation by the Butte County Officer-Involved Shooting/ Critical Incident Protocol Team, District Attorney Mike Ramsey today declared the October 8, 2007 shooting of a 39-year-old man by a state Fish and Game warden to be justified. Ramsey said at a press conference this morning that Bartyn Pitts was attempting to shoot the warden with a 12-gauge shotgun when the warden shot and killed the man with his sidearm. Ramsey ruled the warden’s shooting as a justifiable homicide, citing the warden’s reasonable belief he needed to take such action in self-defense.

The investigation revealed that Pitts, who had previous addresses in Dana Point, California and Hilo, Hawaii, had been on a remote mountainous piece of property on Bardees Bar Road as a caretaker and proprietor of a medical marijuana collective grow. The warden, 10-year veteran Joshua Brennan, had previous cordial contact with Pitts in the area during the warden’s patrol of the area.

Warden Brennan had been on nighttime patrol in the Bardees Bar area on Saturday, October 6, 2007, searching for game poachers illegally using spotlights when he noticed a large bonfire down in the Feather River Canyon in the Poe Powerhouse area. Using his spotting scope, the warden recognized Pitts as one of two men tending the illegal fire. Warden Brennan decided not to contact Pitts at that time as he was busy tracking the illegal “spotlighters,” who he later found and cited.

Warden Brennan went back to the area on the afternoon of Monday, October 8, 2007, to cite Pitts for the illegal burn. The warden reported he parked his state patrol truck at a locked gate leading to Pitts’ camp area and walked in, contacting Pitts and Matthew McQuaid, 24. Both men were working on cleaning and painting a large extended-cab pickup truck which was parked in the camp area just in front of a small recreational motorhome which served as their living quarters. McQuaid had been at the campsite for only a week, having been invited out to California to work by Pitts, whom he had known in Hawaii.

Warden Brennan told Pitts of his intent to cite him for the illegal burn on Saturday night and Pitts agreed to walk with the warden back to the state truck to accept the ticket. The warden and McQuaid both reported Pitts was calm and accepted the citation without problem – in fact telling Warden Brennan how much he liked Fish and Game wardens and had considered becoming one himself.

Then Warden Brennan left the area in his state vehicle and on his way out of the area, he radioed in Pitts' name and descriptors to his dispatch center for a check of any "wants and warrants." The dispatch center found Pitts was wanted on a \$50,000 warrant for the distribution of methamphetamine in the county of Hawaii, State of Hawaii. The warrant had been issued by a judge there in May of 2007, and a check with Hawaiian authorities confirmed they were willing to extradite Pitts.

Warden Brennan then returned to Pitts campsite. He again parked at the locked gate and walked in, finding Pitts and McQuaid in the bed of the pickup. The warden told Pitts there was a warrant out of Hawaii for his arrest and he was under arrest. Both Warden Brennan and McQuaid described Pitts as suddenly becoming agitated and jumping down from the pickup bed, announcing that he needed a drink and a cigarette before he was arrested. Pitts went to the cab of the pickup truck and got a juice drink despite the warden telling him that he was under arrest and needed to submit to arrest. Pitts quickly gulped the drink down and then was described as walking in circles, still ignoring the warden's commands to submit to an arrest and be handcuffed. Pitts then quickly walked or jogged to the nearby motorhome and entered the rear door. Warden Brennan had by this time pulled his service firearm, a .40-caliber semiautomatic Glock.

Approximately five seconds later, Pitts came out of the same door with a shotgun in his hands. McQuaid, from his position in the pickup bed, described Pitts holding the weapon in a "low ready" position when he first saw it. Warden Brennan described Pitts holding the shotgun in a "port arms" position when he first saw it. Both described Pitts next movement as swinging the barrel around to point directly at the warden.

McQuaid said that as he saw this movement, he turned his attention to jumping out of the truck to seek shelter on the ground. He said he heard the loud report of the shotgun being fired and the warden returning fire. He said he did not see the actual shootings as his head was in the dirt. He said he did look up to see Pitts fall to the ground at the motorhome door. He said he was then ordered by the warden to come from behind the pickup truck to where the warden could see him and to lie on the ground in the area between Pitts and the warden. As he moved to this area, McQuaid said he saw Pitts attempting to move as well as moving the shotgun. He heard the warden yell at Pitts to not touch the gun and to drop the gun. He then heard the warden fire at least two more times at Pitts. He remained on the ground until sheriff's deputies arrived some minutes later and handcuffed him.

Warden Brennan described seeing Pitts' shotgun barrel pointing directly at him as Pitts came around the open motorhome rear door, however he did not recall that the weapon fired. The warden said he fired several shots at Pitts from his handgun and saw the man fall to the ground at the doorway. He then described seeing Pitts on the ground, bleeding profusely from the throat area, but get up on all fours, grab the shotgun and again begin to move it towards his direction. Warden Brennan said he yelled at Pitts to stop and to drop the weapon. When he did not, Warden Brennan said he shot at least two more rounds at Pitts, who then fell over and remained motionless.

Warden Brennan said he then ordered McQuaid out from behind the pickup truck to the area between him and Pitts and to lie on the ground where he could see him. The warden radioed his dispatch center that shots had been fired and he needed assistance. He then took cover near the front of the pickup truck and awaited for help to come. He said he did not move from that position, fearing that there could be more persons in the area as he knew Pitts was connected to a nearby cabin and marijuana grow.

Two Butte County sheriff's deputies, who happened to be in the area on a civil matter, monitored the call and arrived within eight minutes to assist.

A forensic analysis of the scene showed there were three clear .40-caliber holes in the motorhome door, along with a possible other strike on the outside door edge. Five empty .40-caliber casings, which were matched to the warden's weapon, were found at the scene – in an arc consistent with where the warden said he stood during the shootings. A check of the warden's gun magazine showed six rounds to be missing. One explanation is that the warden did not fully load his magazine to capacity before his patrol duties that day and only five shots were fired that day. Another explanation is that the missing casing was kicked into the surrounding heavily forested, bushy area when responding officers arrived to contain the situation.

A 12-gauge Remington model 870 pump shotgun was found under Pitts' body. The safety switch was in an "off" position, the barrel was loaded and the magazine, which holds four shells, was loaded with three rounds. The rounds were # 8 birdshot ammunition, the same as the numerous expended shotgun rounds found around the campsite area.

An autopsy of Pitts body revealed he was hit by gunfire three times – once in the left throat, once in the left the wrist and other to the upper body. Toxicology is still pending.

A background check on Pitts revealed prior arrests for narcotic offenses in Nevada and California, as well as the outstanding warrant from Hawaii. Acquaintances and family described Pitts as suffering from mental problems, specifically a bipolar disorder. Anti-anxiety medication in Pitts' name was found in the motorhome. Pitts was the subject of an investigation in September of 2003 on the University of California, Santa Barbara campus for threatening a teaching assistant who

gave Pitts a failing grade while a student there. A story of the investigation appeared in the student newspaper at the time.