



BUTTE COUNTY DISTRICT ATTORNEY



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July 17, 2013

Sheriff Jerry W. Smith
Butte County Sheriff's Office

RE: Butte County Sheriff's Deputy Jason Piazza and the fatal shooting of Sengaroune Silaphanhdeth, BCSO #C13-13524

Dear Sheriff Smith,

After careful review of the above case, it is this office's determination no criminal liability of any sort attached to the actions of your deputy Jason Piazza in his **July 2, 2013** shooting of Sengaroune Silaphanhdeth (DOB 06/05/1978). An analysis of the facts shows the deputy's actions to be justified under both Penal Code Sections 196 and 197, as well as the general principles of the law of self-defense.

This office finds your deputy was discharging his legal duty of protecting the public when he was dispatched to the Gold Country Casino in Oroville at 6:52 a.m. to a call from casino security about a subject who had flashed a firearm at a patron in the parking lot.

Deputy Piazza and backup deputy Jeff McNulty both arrived at the casino at 7:03 a.m. and contacted casino security at the north main entrance where security personnel told the deputies that an anonymous male patron had phoned the casino and reported he had been walking through the west parking lot and noticed an Asian male, with a light blue shirt, in a silver pickup truck smoking drugs. The patron told security he made a comment to the man that such action was wrong and the man brandished a firearm at the patron in response. Security said the patron said he was "scared for his life" and left the premises, calling in by cell phone later.

Security told the deputies that casino surveillance cameras had focused upon a possible suspect who was "passed out" in the driver's seat of a newer model four-door truck with its windshield wipers going (on a hot, dry morning) in the west parking lot. The deputies determined they would contact this subject in what Deputy Piazza planned to be a low-key approach.

Casino surveillance cameras then filmed close and clear details of what transpired in the next several minutes (from several different angles). The sequencing of the events has been analyzed by a frame by frame review of the video tapes supplied by casino surveillance. (It should be noted the clarity of the tapes allows such detail as seeing the casings being ejected from Deputy Piazza's .45 caliber pistol.) The times referred to below come from the time stamp imbedded in the digital format of the tapes. The time refers to hour:minute:second:hundredth of second.

At 7:05:47 a.m. (all time references will be a.m.), the deputies arrive in the patrol cars behind a silver, crew cab, Nissan Frontier pickup truck, with a subject asleep or passed out in the driver's

seat, which is reclined back. The windows are down and the windshield wipers are functioning. At 7:06:06 Deputy Piazza arrives at the driver's side and begins to do a visual survey in and around the vehicle. At 7:06:23 Deputy Piazza is at the driver's window and begins to pat the driver's arm to arouse him and begins to speak to the driver, asking him what he is doing in the parking lot.

At 7:06:30 the driver startles forward and turns off the windshield wipers (and at the same time activates the left turn signal). Deputy Piazza notes the engine is on and the driver is beginning to rev the engine. Deputy McNulty is at this time on the passenger side of the vehicle. Deputy Piazza continues to talk with the driver, asking for identification (which the driver denies having) and notes an odor of alcohol and marijuana coming from his breath and the vehicle interior. The deputy asks the driver to step from the vehicle, but the driver is now looking down to the floorboard of the truck, an area Deputy Piazza cannot see.

At 7:06:57 Deputy Piazza, having received little coherent or cooperative response from the driver and having not seen whether the driver is armed or not, determines to take control of the situation and physically remove the driver from the vehicle which is still revving under the driver's control. The deputy begins to open the driver's door and sees the butt of a large revolver under a small black bag on the floorboard directly below the driver's feet. The deputy moves quickly into the open door. Deputy Piazza also yells "Gun! Gun!" to alert Deputy McNulty to the danger.

At 7:07:00 Deputy Piazza reaches across the driver's body to unhook the driver's seatbelt, while at the same time Deputy McNulty begins to reach in from the passenger side of the vehicle.

At 7:07:04 Deputy McNulty reaches in and grabs the driver's right wrist/forearm while Deputy Piazza grabs the driver's left arm. The driver begins to struggle against the deputies and resist their efforts to control him.

At 7:07:14 Deputy Piazza attempts to handcuff the driver and the struggle suddenly turns very violent.

At 7:07:16 the driver pushes his head and body toward the floorboard (where the gun was seen by Deputy Piazza). The driver wrenches his left arm from Deputy Piazza's grip and he continues his lunge toward the floorboard.

At 7:07:17 Deputy Piazza reaches for his duty weapon and begin to upholster it.

At 7:07:18:11 the driver uses his left arm and hand to violently push against Deputy Piazza's face and to further push the deputy away with his left leg.

At 7:07:18:54 the driver has ripped his right arm away from Deputy McNulty's grip and begins to thrust his right hand toward the floorboard.

At 7:07:18:74 the driver continues to thrust his right arm and body toward the floorboard while pushing Deputy Piazza away with his left arm.

At 7:07:19:67 Deputy Piazza puts his weapon to the driver's left chest area and discharges it at 7:07:19:80.

At 7:07:20:54 the driver reacts to the shot by pulling in his left arm to his chest and Deputy Piazza lowers his weapon. However the driver continues to struggle, now screaming at the deputies and grabbing the steering wheel and rotating it rapidly while revving the engine. The deputies struggle to contain the driver.

At 7:07:25:24 the driver's right hand is free and drops below the steering wheel and Deputy Piazza brings his gun up while Deputy McNulty prepares to strike the driver with his duty baton.

At 7:07:25:54 Deputy Piazza is trying to control the driver's left hand and points his duty weapon at the driver's face.

At 7:07:25:94 Deputy McNulty delivers a distraction blow to the driver's chin which appears to have little to no effect as the driver continues to struggle and rev the engine.

At 7:07:28:10 the driver slips from Deputy Piazza's grip and with his free right arm makes a dramatic push toward the floorboard while staring at Deputy Piazza.

At 7:07:28:27 Deputy Piazza discharges his weapon into the driver's left side chest area. The driver continues his downward thrust toward the floorboard while pushing Deputy Piazza with his left hand.

At 7:07:28:80 Deputy Piazza discharges his weapon into the driver again. The driver immediately slumps back into his seat.

At 7:07:31 Deputy Piazza holsters his weapon, grabs the keys from the vehicle, throws them on the roof and at 7:07:39 Deputy Piazza applies a control hold to the driver and quickly removes him from the vehicle. The deputy then handcuffs the driver on the ground and a few minutes later begins CPR while Deputy McNulty assists.

Casino security had watched the events unfold from approximately 80 yards away and confirmed the sound of the engine revving which the deputies reported.

Fire and medical personnel were called and also attempted lifesaving efforts at the scene. The driver was transported to Oroville Hospital where he was later pronounced dead. One entry gunshot wound to the front left shoulder area and two to the left armpit area were observed and documented. The bullets passed through the driver's heart, lungs and one lodged in his spine.

A subsequent search of the truck interior revealed on the driver's side floorboard fully loaded .357 magnum revolver partially under a black nylon bag that also had .357 magnum ammunition inside. A wallet with Sengaroune Silaphanhdeth's identification inside as well as some \$4500 in cash was also discovered. Nearly an ounce of suspected methamphetamine and smaller quantities of marijuana were inside the truck. Also found was a food sealer and a methamphetamine pipe. Receipts for parcel posts were found which lead investigators to Silaphanhdeth's motel room in Chico.

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Investigation lead to the conclusion Silaphanhdeth was dealing substantial quantities of drugs from the motel room. Recovered cell phone text messages and packaging also lead to this conclusion.

Following up on the cell phone call from the “anonymous” patron to casino security lead to two subjects who were interviewed by investigators. The two subjects revealed they had met with Silaphanhdeth at the Chico motel the night before. He offered to take them to the casino. On the way to the casino, the two men said Silaphanhdeth bragged he was an interstate dealer in drugs as well as a “boss” and “killer.” He showed them a .357 caliber revolver and when one of the men complained that he was on probation and couldn’t be caught around guns, Silaphanhdeth said that “he doesn’t stop for cops” and that he was a “shooter.”

The men said once at the casino, Silaphanhdeth gave them a large sum of money and they gambled through the night, worried about how they would get back to Chico and reluctant to return with their newfound “friend.” They said Silaphanhdeth texted them to meet up with him to return to Chico. They all went to his truck in the parking lot, but once there and in the truck, the men said Silaphanhdeth passed out in the driver’s seat after once again pulling the revolver out and putting it on his lap. The men used this as an opportunity to remove themselves from Silaphanhdeth’s presence and because of their concern of his dangerousness, one of them made the anonymous call to casino security.

Silaphanhdeth, at the time, was wanted by federal probation authorities for absconding from his federal parole in Sioux Falls, South Dakota. The wanted teletype from those authorities noted he was “armed and dangerous” with “violent tendencies” and “known to abuse drugs.” He had been sentenced in 2001 from South Dakota to a ten-year term in federal prison for “Possession with the Intent to Distribute a Controlled Substance (methamphetamine).” He had served his time until January 2011 when he was released on federal probation in Sioux Falls. A warrant for his arrest for absconding from his probation officer was issued by a federal magistrate in January 2013.

His federal probation report noted that he was a member of an Asian Crip gang and his moniker was “Sega” His record before his federal arrest in 2001 was extensive including weapons offenses. Of note, one of those offenses in 1997 included having a Smith and Wesson .357 magnum revolver, the same model and type weapon he had with him during this incident.

It is unclear why Silaphanhdeth was in California or Butte County. The truck he had was a rental from Redding, which was rented for him at the beginning of June by a former fellow prisoner and acquaintance now living in Redding.

The statements of the officers, the nearby casino security personnel, the two men who came with Silaphanhdeth to the casino, his criminal record, the evidence recovered from his truck and motel room and, of course the video tapes, paint a clear picture of a very dangerous man in the casino parking lot that morning. Deputies Piazza and McNulty approached an unknown situation involving a potentially armed subject in their planned “low-key” professional manner. After

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contact with the subject Silaphanhdeth and realizing he was impaired by alcohol/drugs, the deputies attempted to take control of the situation and remove him from his revving vehicle. The situation rapidly deteriorated with Silaphanhdeth attempting several times to force his way to his revolver on the floorboards at his feet while revving the engine. Given the position the deputies were in the vehicle, if Silaphanhdeth had engaged the transmission, the deputies would have suffered grievous injury. The deputies were justified in their actions.

As always, my admiration and thanks also go out to the members of the Butte County Officer Involved Shooting/ Critical Incident Protocol team who did their usual full, fair and unbiased investigation.

Very truly yours,

Michael L. Ramsey
District Attorney

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