



BUTTE COUNTY DISTRICT ATTORNEY



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Sheriff Kory L. Honea
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5 Gillick Way
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RE: Shooting Death of Richard Wade Moulton (DOB: 03/09/1966) on January 28, 2019
Shooting BCSO Officers: Sgt. Josh Brazzi, Sgt. Bradley Meyer, Det. Angelo Tavelli, Det. Ben Cornelius, Det. Paul Brodie, Det. Jake Smith, Dep. Mariah Smith, Dep. Tristan Harper and Deputy Tyler Dentinger.
BCSO Case #19-00695

Sheriff Honea:

On January 28, 2019, at approximately 12:15 p.m. the Butte County Sheriff Office's dispatch center received an "Officer Safety" Be-On-the-Look-Out (BOLO) notification from the Red Bluff Police Department for a red 2015 extended cab Ford pickup (license plate #30987Z1) whose driver was involved in an attempted-murder shooting case earlier that morning in their city. The BOLO noted the driver-suspect, Richard Wade Moulton, 52, of Red Bluff, was considered armed-and-dangerous, warning officers to "proceed with caution." The BOLO further noted that an emergency "ping" (or trace) of Moulton's cell phone showed him to be in Butte County. The BCSO dispatch center broadcast the BOLO on its radio network to patrol and other staff.

BCSO Sgt. Joshua Brazzi was on patrol in the town of Durham at approximately 12:21 p.m. that day when he saw the described red extended cab Ford pickup proceeding south on the Midway. He pulled his marked patrol vehicle onto the Midway behind the pickup. He caught up with it south of Durham and confirmed the license plate to be the same as in the BOLO and a single male adult was driving it as the sole occupant. Sgt. Brazzi broadcast he was following the wanted vehicle, but would hold off stopping the suspect until sufficient other deputies arrived as backup. Deputies from the BCSO Chico substation, Oroville headquarters and some in the field began to respond. Sgt. Brazzi noted the pickup's speed varied between 45 mph and 55 mph as it continued on the Midway. The sergeant also noted the suspect was reaching behind the driver's seat on occasion. Sufficient deputies had fallen in behind Sgt. Brazzi that he determined an attempt to stop the pickup would occur as it approached the town of Richvale's "four corners." Red lights and sirens were activated but the pickup only stopped momentarily at the stop sign at the four corners intersection, then continued south on the Midway.

Sgt. Brazzi and a long line of sheriff's vehicles, all displaying red lights and sirens, continued to follow the suspect's red Ford pickup south on the Midway to Highway 162, where the pickup then

turned west on Highway 162. The sergeant noted the suspect continued to reach behind the driver's seat, vary his speed between 50 – 55 mph, and occasionally veer slightly off the road. The suspect also started to throw unknown objects out of the window onto the roadway.

Finally approximately .7 mile to the east of Agua Frias Road, the pickup slowed down just prior to the Dry Creek Bridge on Highway 162 and pulled off to the right onto a semi-paved turnout, bringing the seven and a quarter mile (from Richvale) Code 3 pursuit to a close at approximately 12:43 p.m. As the pickup turned into the turnout, Sgt. Brazzi and other officers saw the suspect hold a silver and black pistol out the driver's window in his left hand. As the pickup came to a stop facing in a generally westerly direction, the suspect pulled the pistol back into the cab and remained in the driver's seat. As the sergeant and other officers pulled their vehicles into a fan (or V) shape behind the pickup to initiate a high-risk traffic stop, the officers began to get out of their vehicles and move forward with pistols and rifles at the ready. Sgt. Brazzi and others shouted for the suspect to drop the gun.

Instead, the suspect opened the pickup driver's door, but did not immediately get out. The sergeant and other officers then saw the suspect turn his body in the driver's seat to face the officers to the rear of his pickup. The suspect was now gripping the silver and black pistol in his right hand. He put the gun to his head and leaned out of the door to look at the officers while still seated in the pickup with the door open. Officers continued to yell for him to drop the weapon. After a short delay of approximately 15 to 20 seconds, the driver then lowered the weapon and began to step out of the truck, turning to the officers behind him with his pistol pointing directly at them. Nine officers opened fire, hitting the suspect with multiple rounds. Officers advanced, recovered the pistol under his left hip and began CPR, but Moulton's wounds were too grievous and he was pronounced dead at the 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 officers. 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.

The review has been completed and the following are the results including interviews with the 14 officers who were involved to varying degrees in the pursuit and eventual capture of Moulton; civilian witnesses in the area; Moulton's estranged wife and the object of the prior shooting that morning; forensic analysis of the crime scene; and the autopsy and toxicology results which showed an extremely high level of methamphetamine in Moulton's blood at the time of his death.

FACTUAL SUMMARY

Richard Wade Moulton – Background

Richard Moulton, 52, was a Red Bluff businessman and president of a family-owned computer servicing business. The Red Bluff Police Department had even used his services and he was known to a number of its officers. Moulton had suffered a heart attack the year before and was struggling to retain his health and business. His family noted he was not a drinker and had a methamphetamine problem when he was a teenager but had successfully sought treatment.

Moulton had an on-again off-again relationship with his estranged wife and they had lived in separate Red Bluff households for nearly seven years. There had been some reports of domestic violence between them, but consisting largely of emotional outbursts rather than physical violence.

On the morning of January 28, 2019, Moulton planned that he and his estranged wife would go to the Los Angeles area in his red extended cab Ford pickup to pick up some furniture for his computer business. His wife told officers Moulton had wanted to go the day before, but she was unable to and this upset him.

That morning, she said he had called her and told her “she had better be ready” to go when he got to her residence in approximately two hours. However, he showed up at her house within forty minutes and she was not ready. She said a violent argument ensued inside her residence. She described Moulton was acting out of character that morning and was extremely violent. She said he attacked her by slapping her, attempting to bite her face, biting her finger and choking her around the neck. He then went outside to his pickup, retrieved a semi-auto pistol, and began loading it. When she went out, she said Moulton put the gun in her mouth and claimed he was going to kill her. She got away and headed back toward her front porch while yelling at a nearby neighbor to call 911. She said at this point Moulton shot at her, missing her but hitting her residence. (Red Bluff police later counted nine bullet holes in the residence.) Moulton then left the residence in his pickup before Red Bluff police officers arrived at approximately 10:45 a.m. Neighbors confirmed the sequence of events and the shooting outside of the estranged wife’s residence, including their view of the silver over black semi-automatic pistol used by Moulton.

Interviews with the estranged wife and family members stressed Moulton was not ordinarily violent and his outburst and shooting at his wife was speculated to be a culmination of stress over the past year over his and other family members’ health and business issues.

During their course of investigation that morning into the shooting that occurred in their city, Red Bluff police made an emergency request to Moulton’s cellular phone carrier, who traced his cell phone to be “pinging” approximately 8.5 miles to the southwest of the cell tower located at the Skyway and Media Way east of Chico. (This put the cell phone in the Durham area.) Red Bluff police then contacted Butte County Sheriff’s Office with the BOLO described above.

The Butte County Pursuit

After Sgt. Brazzi had noted Moulton’s red Ford pickup traveling south on the Midway in Durham at

approximately 12:21 p.m., the sergeant confirmed its license plate number as provided by the Red Bluff Police Department. The sergeant noted the pickup contained only the driver as was reported by Red Bluff PD (assumed at this point to be Moulton). The sergeant continued to follow Moulton, but at a safe distance without lights or siren as he radioed for backup resources, including a helicopter. As Moulton crossed over Butte Creek, the sergeant noted Moulton was reaching behind the driver's seat at approximately 12:23 p.m.

Sgt. Brazzi continued following Moulton at approximately 55 mph and noted Moulton almost ran his pickup off the right side of the road as he approached the town of Nelson at approximately 12:26 p.m. The sergeant radioed instructions for approaching deputies to attempt a rendezvous at the Richvale four-corners (the intersection of Richvale Road and the Midway in the town of Richvale) where a "high-risk stop" would be attempted as Moulton approached that four-way stop intersection. As the sergeant approached Richvale, the other deputies caught up behind him with their lights and sirens on. Sgt. Brazzi turned on his lights and siren just north of the Richvale intersection and Moulton began to slow and stop at the stop sign at approximately 12:34 p.m. The sergeant pulled directly behind Moulton's pickup and motioned for Moulton pull over to the right. The sergeant continued motioning to Moulton to pull over as the sergeant began to get out of his now-stopped patrol vehicle. However Moulton continued through the intersection and accelerated south on the Midway. Sgt. Brazzi got back into his patrol vehicle and continued the Code 3 (lights/siren) pursuit leading a string of other deputy vehicles with lights and sirens activated.

Knowing other deputies were approaching from Highway 99 and Highway 162 to the south, Sgt. Brazzi requested spike strips be prepared at that intersection to stop Moulton's vehicle. The California Highway Patrol set up at that intersection per the sergeant's request at approximately 12:36 p.m. just as Moulton approached the intersection where the Midway terminated into Highway 162. However, rather than turning east on Highway 162, Moulton turned west onto Highway 162 with the trailing procession of deputies following.

As Moulton made his turn to travel westbound on Highway 162, CHP Officer Joseph Sanchez was approaching eastbound on Highway 162 having just earlier completed a traffic stop on Aguas Frias Road to the west. Officer Sanchez saw the red Ford pickup truck approaching toward him at the head of a procession of Code 3 BCSO vehicles. As officer Sanchez passed Moulton's pickup going in the opposite direction, the officer saw Moulton point or shake his finger at the officer three times before pointing the finger at his (Moulton's) own head. [Officer Sanchez in a later interview with the protocol team said this finger pointing initially puzzled him. However, upon reflection after the shooting, Officer Sanchez realized Moulton had actually mimicked a gun with his index finger and thumb – as "a foreshadow of the events to unfold."] Officer Sanchez notified CHP dispatch of his location, turned, and fell into line behind the last BCSO vehicle, activated his emergency lights, and followed the pursuit.

As the pursuit continued west on Highway 162, officers noted Moulton maintained his speed at approximately 50 mph, but that he would occasionally veer off to the right shoulder of the highway. He passed Wickman Road at approximately 12:39 p.m. and approximately three minutes later at 12:41 p.m. was seen throwing items (described as flat like a cell phone) out the driver's side window onto the highway. (These items were never recovered despite a search.)

Two minutes later the pursuit, which covered approximately 17 miles and twenty minutes, came to an end. (See attachment #2.)

The Shooting at Dry Creek Bridge

At approximately 12:43 p.m., Sgt. Brazzi, still in the lead of the pursuit, saw Moulton's pickup finally slow down and pull off the road into a semi-paved graveled turnout on the right (north) side of Highway 162, just to the east of the Dry Creek Bridge. As Moulton's pickup was rolling to a stop, the sergeant saw Moulton's left hand and arm extend out the driver's side window – holding a silver and black semi-automatic pistol by its barrel in his left hand with the muzzle pointed down. Sgt. Brazzi reported his observation of the gun over the radio to the other pursuing officers who quickly brought their vehicles into a fan or V formation to the side and rear of the sergeant's vehicle for a high-risk traffic stop. (See attachment #3.) Sgt. Brazzi quickly placed his vehicle into park and got out with his rifle shouting commands to Moulton to “drop the gun!” The other officers also got out of their vehicles and moved forward to take cover behind the patrol vehicles just behind Moulton's pickup.

Sgt. Brazzi saw Moulton take his left arm and the gun back inside of the truck. The sergeant (and others) continued to repeat loud commands to drop the gun. The sergeant was approximately 50 feet from Moulton. Within seconds, the door of the pickup opened, but Moulton did not step out. After a few more seconds, Sgt. Brazzi saw Moulton swivel his body to the left in the driver's seat but remained seated in the seat. Moulton looked back at the sergeant and the assemblage of BCSO vehicles with red lights on and sirens blaring. It was at this point that Sgt. Brazzi saw the pistol was now gripped in Moulton's right hand by its handle. Moulton held the gun near his chest area with the muzzle pointed toward the sergeant and the other officers. Moulton then raised the handgun up and pointed it at his own right temple as he leaned slightly forward out of the truck doorway looking back at the deputies. The sergeant believed Moulton was saying something but he could not hear over the sirens blaring on the surrounding vehicles. Sgt. Brazzi then saw Moulton lower the pistol from his head then step out of the pickup and take about a step and a half from the vehicle, while at the same time raising the pistol and turning toward the sergeant and other nearby officers. The pistol was pointed directly at the officers. Sgt. Brazzi fired his .223 caliber semi-automatic rifle, for what he believed to be three to five times, at Moulton as other deputies did the same. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Sgt. Brazzi fired his rifle five times.]

From the time Sgt. Brazzi stopped his car and got out to command Moulton to drop his weapon and Moulton got out of his vehicle with the gun pointed at the deputies, a total of approximately 30-35 seconds elapsed.

Moulton fell forward toward the south of the pickup. Sgt. Brazzi and the other officers then moved forward to cover Moulton, disarm him and render aid. The same pistol the sergeant had seen in Moulton's hand was now on ground under Moulton's left hip. That pistol was recovered and was determined to be a Smith and Wesson model SD9 VE semi-automatic 9mm pistol with a fully loaded 10 round magazine. There was no round in the chamber.

Shooting Officers:

There were 14 officers at the scene at the end of the pursuit and shooting of Moulton. Nine of those officers, including Sgt. Brazzi, discharged their firearms for an estimated total of 63 shots – all shots were overlapping with each other and the total volley lasted only 3.3 seconds. Most all officers noted the gun in Moulton’s right hand and felt he was bringing it to bear upon them.

The shooting officers, their weapons, and their number of shots were:

Sgt. Joshua Brazzi	.223 cal. semi-auto rifle	5
Sgt. Bradley Meyer	.223 cal. semi-auto rifle	8
Det. Angelo Tavelli	.223 cal. semi-auto rifle	6
Det. Ben Cornelius	.45 cal. submachine gun	8
Det. Paul Brodie	.223 cal. semi-auto rifle	8
Det. Jake Smith	9mm semi-auto pistol	3
Dep. Mariah Smith	9mm semi-auto pistol	7
Dep. Tristan Harper	.223 cal. semi-auto rifle	12
Dep. Tyler Dentinger	.40 cal. semi-auto pistol	6

Sgt. Joshua Brazzi, a 13-year peace officer with eight of those years with the Butte County Sheriff’s Office, told investigators he made his decision to shoot as Moulton got out of the pickup truck, turning and raising the gun toward the sergeant and his fellow officers. Sgt. Brazzi said he felt Moulton was an immediate deadly threat to the officers based upon the prior report of Moulton’s attempt murder shooting incident in Red Bluff; Moulton’s refusal to yield during the long pursuit; his display of the weapon out the window of the truck as it was stopping; and finally the sergeant looking down the barrel of the pistol pointed at him and fellow deputies. The sergeant said the incident unfolded so fast and deadly there was no time to seek other less-lethal options (other than the K9) to the threat presented.

Sgt. Bradley Meyer, an 18-year peace officer with almost 13 years with BCSO, told investigators he responded to the pursuit from the BCSO Chico substation. He saw a pistol held in Moulton’s left hand out the driver’s side window as the truck pulled off the highway. “It did look weird, I’m not sure if he was holding it the right way or what, but I recognized it a (silver and black) pistol.” He saw Moulton pull his arm back inside the window just as truck stopped. The sergeant stopped his vehicle approximately eighty feet from the pickup and got out with his rifle on the driver’s side of his patrol vehicle. He saw the pickup driver’s door was open with Moulton seated sideways in driver’s seat with the gun in his right hand. He yelled for Moulton to drop the gun (as did others), but instead saw Moulton raise the gun to Moulton’s own head. He then saw Moulton lower the pistol and point it at him and other deputies. He believed he shot six to seven times. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Sgt. Meyer fired his rifle eight times.] The sergeant believed Moulton had not quite gotten out of the pickup when he shot. He, like Sgt. Brazzi, expressed the same reasons to fear for his life and those of his fellow deputies.

Det. Angelo Tavelli, a BCSO deputy for eight years, told investigators he responded from the Oroville BCSO HQ. He joined the pursuit in Richvale. As Moulton pulled off the highway, the detective saw Moulton hold his left arm out of the truck, holding a black and silver pistol by the barrel with the muzzle pointed to ground. He said this motion indicated to the detective that Moulton was looking to surrender. He then saw Moulton come to a stop and pull his hand back into vehicle. Det. Tavelli parked and quickly got out moving forward toward Det. Cornelius' vehicle with his rifle at the ready. Shortly after Moulton's pickup stopped, the driver's door opened as Det. Tavelli was covering Det. Cornelius with his rifle while Det. Cornelius got his dog out. Det. Tavelli said he saw Moulton turn his body left in driver's seat and put his feet on the running board or lower doorjamb of the pickup door. Det. Tavelli said he saw a pistol in Moulton's left hand. He said he saw Moulton move the pistol to his right hand and grip it by the handle. Det. Tavelli told investigators he took this as a sign Moulton was no longer ready to surrender. Det. Tavelli moved back and toward his left toward Sgt. Meyer's vehicle. Everyone was yelling for Moulton to drop the weapon. Det. Tavelli saw Moulton put the pistol to his own head then bring it down – then bring it immediately back up to his head again. It was at this time, Det. Tavelli said, Moulton moved the pistol down from his head and started to step out of the pickup while turning toward the deputies with the pistol horizontal to his abdomen. Det. Tavelli said at this time he was looking down the muzzle of Moulton's barrel. Feeling he was in immediate danger, he believed he fired his rifle four to five times. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Det. Tavelli fired his rifle eight times.] He fired independently and did not know who fired first. After the shooting volley, he moved forward and retrieved the pistol from under Moulton's left hip. (See Attachment #4.)

Det. Ben Cornelius, a BCSO deputy for seven years, told investigators he was working in his off-site office in Oroville when he got a call from his sergeant about the Sgt. Brazzi pursuit. He gathered his apprehension dog, Solo, and his partner Det. Brodie and quickly left to help in his duty truck. As he approached the line of pursuing officers on Highway 162, he was ordered to the front of the line to be "alternative force option" with his dog. As Moulton slowed down to go off the right side of the highway, he had clear view. He saw Moulton was holding a pistol by the barrel in his left hand with the muzzle pointing down. This suggested to him that Moulton was surrendering. However once Moulton stopped, he brought the pistol back into the vehicle. Det. Cornelius said this clearly changed the dynamics and the suspect was no longer surrendering. The detective stopped his vehicle approximately 60 feet behind Moulton. Det. Cornelius got out with his long gun and retrieved Solo from rear passenger compartment of his four-door truck. He sat on Solo's back to maintain control of dog while holding the dog's collar with his left hand and his gun with his right hand. The detective observed Moulton open the driver's door of his pickup and swing his legs out to the left but remain seated. He saw the pistol was now in Moulton's right hand near his right knee pointed to ground. He saw Moulton bring his pistol up to the right side of his head. Moulton then dropped the gun down by his right knee. Then slowly and deliberately, the Moulton brought the pistol back up to his right temple. (The detective said he chose not to send Solo at the time because of the likelihood that Solo would be shot.) The detective said Moulton then dropped the weapon down to his right side for the last time, then quickly and deliberately pointed it directly at him and the other deputies ("a quick snap that leveled off in the direction of the deputies"). Det. Cornelius described how this action ended with Moulton's right elbow bent, with the inside of his right forearm across his abdomen, parallel to the ground and the pistol in Moulton's right hand pointed directly at him and

the others. The detective said he could clearly see the dark end of the muzzle pointed at him and he was expecting a muzzle flash. He then shot his weapon, he believed, four to six times. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Det. Cornelius fired his gun eight times.] The detective said he independently fired out of fear for his life and the other deputies. He said did not hear any other shots because of the noise of the sirens. He said Moulton fell forward out of the truck.

Det. Paul Brodie, a BCSO deputy for three years, told investigators he responded as a right seat passenger in Det. Cornelius' duty truck. As Moulton's pickup was yielding at the Dry Creek Bridge, Det. Brodie saw that Moulton held a black and silver handgun out of driver's side window in his left hand, holding it by the barrel with the handgrip clearly visible. However, Moulton pulled the gun back into the pickup as it stopped. Det. Brodie got out with his rifle and got behind his passenger side door as cover. The detective said Moulton opened his driver's door and turned in the seat so he was still sitting in the driver's seat with his legs outside the vehicle. The detective from his angle could not see Moulton's full torso. However, he did see Moulton lean out of vehicle with the handgun pointed at his own head using his right hand. He described a number of deputies yelling for Moulton to drop the gun. The detective said he saw Moulton bring the firearm down to his right thigh. He said he could see the barrel pointed toward him, but thought Moulton was contemplating cooperating at that moment, as Moulton was not looking at the deputies at that time. However, the detective then saw Moulton bear the weight of his upper body onto his right arm and he began to get out of the truck. He said Moulton stepped out, and at the same time turned toward him and fellow officers with the gun now pointed at them. The detective said he felt Moulton "was now beginning to engage in a gun battle." He independently fired out of fear of that gun battle and believed he shot his rifle five to eight times. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Det. Brodie fired his rifle eight times.] The detective recalled hearing gunfire from the other deputies just prior to him shooting.

Det. Jake Smith, a ten-year peace officer with three years as a BCSO deputy, told investigators he was in the field with Dep. Brian Evans conducting an investigation in the south county area when they monitored radio traffic about the BOLO and the pursuit. He drove the two of them and ended up near the rear of the line of pursuing officers. When he arrived in the area behind the pickup truck, he parked and ran up to Det. Cornelius' truck on the passenger side with Det. Brodie. He said the Moulton pickup driver's door was open as he got into position with his duty handgun. The detective said he saw Moulton sitting in driver's side seat facing out the door with his feet dangling over ground. Det. Smith said he then saw Moulton with a handgun in his hand, moving it around and placing it to his own head. He then saw the gun come down from Moulton's head and Moulton start to step down from truck and turn with the gun pointed toward deputies. Det. Smith said he believed Moulton had made a decision to shoot him and/or the other deputies. He independently made the decision to shoot his handgun what he believed to be four to five times. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Det. Brodie fired his gun three times.] He said he did not believe he was the first officer to shoot but all the shots by the deputies were "contemporaneous." The detective said from the start of Moulton starting to get out of the truck to his shot was less than a second.

Dep. Mariah Smith, a BCSO deputy for two years, told investigators she ran out of the Sheriff's

Chico substation with Sgt. Meyer and got into her patrol car to join the pursuit of Moulton. Later at the end of the pursuit, she saw Moulton pull off the highway with his hand out his driver's window. At the same time, she heard Sgt. Brazzi's radio broadcast that the driver of the pickup they were pursuing had a gun in his hand. She pulled her car to a stop behind Det. Tavelli's and Sgt. Meyer's vehicles. She ran to Sgt. Meyer driver's side door next to Sgt. Meyer. She said she observed the pickup's open driver's side door and Moulton turned outward in the driver's seat. She saw Moulton had a handgun in his right hand, pointing it to ground. She saw him bring up the handgun to his head, then lower it to the area of his lap pointing directly toward her and fellow deputies. She felt her life was in danger as well as the other deputies. She independently fired her handgun what she believed was five to nine times. [Subsequent forensic analysis of casings at the scene and the number of rounds left in her weapon established Dep. Smith fired her gun seven times.] She said she fired until she could no longer see Moulton's firearm and believed there to be no longer be a threat. She noted she was not looking at Moulton's face as she was concentrating on the firearm pointed at her.

Deputy Tristan Harper, a BCSO deputy for two years, told investigators he was at the Sheriff's Chico substation when the BOLO and pursuit radio calls came in. He ran out of the substation with a number of other deputies to assist in the pursuit. He said toward the end of pursuit, he heard the radio broadcast that Moulton was holding a pistol. He could not see this from his position toward back of the line of pursuing officers. As the truck pulled off the highway, the deputy pulled his vehicle to the right of Sgt. Brazzi's vehicle. He got out of his patrol vehicle with his rifle and moved to the passenger side of Sgt. Brazzi's vehicle approximately 70 feet from Moulton's pickup. He said he could not see Moulton's hands from his position, but could hear other deputies commanding Moulton to "drop the gun". He therefore believed Moulton had a gun. He said he could only see Moulton from the mid-torso to include his shoulders and head as Moulton was seated in the driver's seat with the door open. He said the bed of the pickup obstructed his view. He said he watched as Moulton made a quick turn with his upper body and move out of the truck. He could see Moulton stand upright and face the deputies behind the truck. Deputy Harper said he believed from Moulton's body movements that Moulton was going to start shooting at the deputies. The deputy then heard the sounds of gunfire and believed Moulton was then actively shooting at deputies. Acting on that fear, he said he shot his rifle what he believed to be approximately five times. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Dep. Harper fired his gun 12 times.]

Deputy Tyler Dentinger, a BCSO deputy for two years, told investigators he had just finished taking a voluntary mental health patient from Magalia to Chico. He was southbound on Highway 99 when he heard the BOLO then Sgt. Brazzi following the attempt-murder suspect. He saw fellow deputies leave the Sheriff's Chico substation and he joined into the line. As Moulton stopped his pickup, the deputy heard Sgt. Brazzi's radio broadcast that Moulton was holding a gun. The deputy parked his vehicle, ran forward toward the suspect truck and the other deputies, and ended up next to Dep. Harper. From his position, he could see Moulton was sitting partially in his pickup with the driver's door open. He could not see Moulton's full body until Moulton stepped forward out of the vehicle and then could see his head and chest area. The deputy described Moulton's movement as rapid toward to deputies. He said he knew Moulton was armed with a firearm and was an attempt-murder suspect. Therefore, when he heard the sound of gunfire, combined with Moulton's sudden movement toward the deputies, he said he believed Moulton was firing at deputies. He fired his handgun at

Moulton's upper chest and head and did not stop until he believed the threat was stopped. He said he did not know how many times he shot. [Subsequent forensic analysis of casings at the scene and the number of rounds left in his weapon established Dep. Dentinger fired his handgun six times.] After the shooting, he moved forward and was assigned to search Moulton's jacket pockets where he found a loaded 9mm magazine.

Non-Shooting Officers:

Deputy Jay Freeman, a BCSO deputy for 15 years, told investigators he was at the Chico substation when the BOLO and Brazzi broadcasts were made. He initially led the line of deputies out of Chico substation south on the Midway. He caught up with Sgt. Brazzi north of Richvale. He saw the pursued pickup stop at the stop sign in Richvale. The deputy said he got out of his patrol vehicle thinking the pursuit was done, but then the pickup continued forward and the pursuit continued. He fell further back in the pack as Det. Cornelius and Sgts. Brazzi and Meyer took point. He saw the pickup begin to yield into the turnout at the Dry Creek Bridge. It was at this time he heard the radio broadcast that the driver was holding a gun. The deputy stopped his vehicle behind and to the right of Det. Cornelius' vehicle. He got his rifle and got out of his vehicle. The deputy took up a position behind Det. Cornelius and Solo. Dep. Freeman noted he had a direct and clear view of Moulton seated in his truck. He said Moulton had opened the driver door and swiveled himself so that he was still seated, but his feet were outside his door, and he holding a gun in his right hand. The deputy observed Moulton held the gun to his right side with barrel pointing upward. Deputy Freeman described how Moulton repeatedly looked down and then back towards the deputies as if "he was thinking." Deputies were yelling commands to drop the gun. At one point, he said Moulton held the gun to the right side of his head with the muzzle to his temple, but then lowered it again. Deputy Freeman said it appeared Moulton was "smiling at points" when he looked back at the deputies. The deputy then saw Moulton exit the pickup by stepping down, holding the gun to his right side. As Moulton did this, he brought the gun up and across his body towards the deputies. As this happened, the volley of shots rang out from the facing deputies. Freeman said he did not fire because just prior to Moulton's exit, Cornelius had moved in front of him, blocking a safe shot.

Lt. Steve Boyd, a BCSO deputy for 21 years, told investigators he was in his Oroville HQ office when heard a radio BOLO and a short while later Sgt. Brazzi broadcast that he was following the BOLO suspect's vehicle. Lt. Boyd rushed out of his office into his vehicle and caught up with the pursuing line of deputies just as Moulton's truck was pulling over into the turnout. The lieutenant parked his vehicle in the roadway and ran over to just behind Sgt. Brazzi. He saw Moulton partially sitting in the pickup's driver's seat with his left buttock on the seat and the rest of his body facing toward the deputies while holding a gun in his right hand to his head. As Moulton started to move the handgun from his head, Lt. Boyd's attention was diverted to some civilian vehicles coming toward them from the other side of the Dry Creek Bridge. He was contemplating how to protect those civilians, when a volley of shots started. When he looked back to Moulton again, Moulton was falling to the ground and he did not believe he needed to shoot. The lieutenant took charge of the scene immediately after the shooting and separated shooting from non-shooting officers.

Dep. Brian Evans, a BCSO deputy for 12 years, told investigators that he was in the field as a passenger in Det. Smith's vehicle coming back from a south county investigation. With Det. Smith

driving, they responded to Sgt. Brazzi's radio call. They joined the pursuit at Richvale four corners, falling into the last position at that time. A CHP officer eventually fell in behind them. They monitored radio traffic about "stuff" being thrown out of the pursued truck. They saw something flat and black in roadway and slowed down. However, since it did not appear to be a gun, they did not stop to pick up the item. They accelerated and caught back up to the procession of pursuing deputies. Dep. Evans heard Sgt. Brazzi radio about a gun in the hand of the driver as the pickup slowed to turn into a turnout. He saw suspect vehicle stop. He got out and went to behind Dep. Harper and Dep. Dentinger at the passenger side of Sgt. Brazzi's vehicle. He could see the suspect pickup driver's door was open and Moulton was either standing or leaning against the seat in the doorway of his pickup. Moulton was looking back towards the deputies on scene. Deputies Harper and Dentinger then shot. He could not see what triggered the deputies to shoot from his position. Deputy Evans did move forward after the shooting and begin CPR on Moulton. He ceased the effort after a few minutes when it became clear Moulton was deceased.

Off. Joseph Sanchez, a CHP officer for 21 years, told investigators he had just completed a traffic stop at Highway 162 and Agua Frias Road and was returning eastbound on Highway 162 when he saw a procession of "Code 3" vehicles coming down the Midway approaching Highway 162. He saw the procession turn toward him on Highway 162. As they came toward him, he saw that the object of the pursuit was a red Ford pickup and recalled an earlier BOLO about a similar truck containing a "murder suspect." As the pickup passed him, the driver pointed or shook his finger at him three times before he mimicked a gun with his index finger and thumb and pointed at his head. Sanchez fell in line behind the last car. He eventually saw the pickup slow and pull off the road into a turnout and the deputies' cars fan out behind it. He stopped, got out with his sidearm, and approached behind two deputies (Det. Brodie and Det. Smith) on the passenger side of Det. Cornelius' pickup. The officer observed the driver's door of the red pickup truck was open and the driver was in a "half crouch somewhere between being seated sideways in the driver's seat and standing up to exit." Multiple deputies shouted for the driver to show his hands and "drop the gun." Within seconds, the officer observed the driver with a stainless steel pistol in his right hand, held up to his head. He said that almost immediately the driver dropped his hand, swung the pistol in a J-shaped arc, sweeping all the deputies present with the barrel of the pistol, ultimately ending with the muzzle pointing at the deputies. The officer said he saw that muzzle and even though it was still some distance from him, "it looked big." A volley of shots followed. Sanchez said he did not fire because of a lack of a clear shot with the deputies in front of him. If he had had a clear shot, he said he would have fired based on Moulton's actions of clearly threatening the deputies with a handgun.

Det. Beller, a BCSO deputy for 12 years, told investigators he was at his Oroville HQ office, when he heard the BOLO and pursuit radio traffic. He drove his assigned car to assist and joined up with the pursuing deputies at the end of the line with Det. Smith and Dep. Evans where they had slowed to check for items that had reportedly been tossed out of the truck. Eventually he followed behind Det. Smith to the line of pursuing deputies. He saw the suspect truck pull off the road. He parked his vehicle behind several other vehicles and got out. As he moved forward, he heard lots of shouting and sirens. He had just gotten to the back of Dep. Freeman's vehicle when a large volley of shots occurred. He said he never saw who shot, or Moulton, until later when Moulton was down.

Evidence Collection at Scene

As deputies approached Moulton's downed body, they found a pistol beneath his left hip. It had a stainless steel body with a black grip. [See Attachment #4] It was recovered and determined to be a Smith and Wesson model SD9 VE 9mm semi-automatic pistol with a full 10-round magazine in the grip. There was no round in the chamber of the pistol. Another full 10-round magazine was found in the pocket of the jacket Moulton was wearing.

Moulton was wearing a black jacket, blue shirt, blue jeans, white shoes, black gloves, underwear and socks. A ball cap with a bullet hole consistent with a head wound was found next to his body. Prescription medicine consistent with his heart condition was found in his jacket and pickup.

Later a search of the interior of Moulton's pickup by the California Department of Justice Bureau of Forensic Services CSI team found a receipt for the purchase of the same model gun (with the same serial number). Multiple other same brand 9 mm live rounds were found in boxes and loose in bags inside of the truck. Additionally three expended 9mm casings that were forensically matched to have been fired from the pistol were found in the pickup's bed and in the cab.

A total of 63 expended shell casings from the guns of the shooting deputies were found and collected at the scene by the DOJ team around the four BCSO vehicles closest to the Ford truck. The shooting deputies' guns were collected and the shell casings from the scene were forensically matched to the various guns shot by those deputies. The guns of the non-shooting deputies were also inspected and determined not to have been fired.

The driver's door of the Ford F150 crew cab pickup was open with the window down. There were six bullet holes found inside driver's door and one bullet hole on the left side of the dashboard below the side vent.

Body Cameras

All deputies who were wearing body cameras (Brazzi, Meyer, J. Smith, M. Smith, Dentinger, Freeman and Evans) activated them during the incident. (See Attachment #5.) Deputy Harper was not wearing a body camera as it was on the charger inside the Chico substation when he ran out to his vehicle. Similarly other deputies, who were not on patrol and inside their offices in Oroville, bolted from those offices without the opportunity to attach body cameras. (CHP officers do not wear body cameras.)

Footage from those cameras were carefully examined multiple times frame-by-frame. The pursuit of the suspect truck and the various radio broadcasts were captured on the majority of those cameras. Those cameras documented the end of the pursuit of Moulton's truck from the different and individual angles of those deputies.

However, by chance, none of the camera angles caught a clear view of Moulton the moment the shooting began. This was a function of where the cameras were worn and the deputies' desire to seek cover from an armed suspect. Deputy Freeman's camera came the closest to showing the moment of the shooting. Although difficult to view because of the distance to Moulton, multiple

frame-by-frame viewings of Freeman's camera angle just before the shooting does confirm the majority of the deputies' stated views that Moulton was sitting sideways in his driver's seat, leaning forward out of the cab with his white shoes resting on the bottom of the cab doorway and looking back at the deputies. Just before the camera angle changes and the view of Moulton is obscured, a pixelated white object in Moulton's right hand, consistent with the silver pistol described by the deputies, can be seen coming down from Moulton's head toward his right knee. At the same time, Moulton's right foot can be seen coming down to the ground as if Moulton is coming out of the truck, while the pistol is being raised to point at the deputies (See Attachment #6.) Within less than a second, the volley of shots began.

The volley of shots were forensically timed on the seven body cameras and the total time of the overlapping shots from beginning to end was determined to be 3.3 seconds in length. The length of time from the truck stopping to the shots was determined to be approximately 30-35 seconds.

AUTOPSY / TOXICOLOGY

On January 30 and 31, 2019, an autopsy was performed on the remains of Richard Moulton by the Sacramento County Coroner at its 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 May 14, 2019 report by the Chief Forensic Pathologist, Dr. Jason P. Tovar, found the cause of death to be "multiple gunshot wounds." The pathologist determined Moulton had at least 25 perforating (through and through) or penetrating (no exit) gunshot wounds – the wounds included all areas of the body – head, chest, abdomen, arms, flanks, hips, legs and back. 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.

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 Moulton fell.)

Of particular note, toxicology of Moulton's blood revealed no alcohol, but a very high level of methamphetamine (2.63 mg/L). By way of comparison, levels of 0.2 – 5 mg/L is considered in the "potentially toxic" range and can cause violent and irrational behavior as well as restlessness, confusion, and hallucinations.

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.

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 his/her own individual decision whether to shoot as Moulton made his move out of the truck with the pistol in his right hand pointed toward the officers. It appears clear in interviewing each shooting officer as well as the non-shooting officers that all truly believed Moulton 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 Moulton 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 Moulton from shooting them or other officers. Their individually expressed beliefs in the immediate use of force was reasonable.

We also must consider all the circumstances known to the shooting officers: that Richard Moulton

was wanted in Red Bluff for an attempted murder with a firearm; that he had failed to yield to the officers pursuing with red lights and sirens for over seven miles (Richvale to Dry Creek); that he had driven erratically during that pursuit by going off the road several times; that he was throwing things out of his truck; that he had displayed the fact that he had a pistol just before he stopped his truck; that he refused to drop the pistol he held in his right hand despite multiple commands from multiple officers behind his truck; that although he held the gun briefly to his own head while sitting in his truck, he apparently made a final decision to step out of the truck and quickly bring the muzzle of his firearm to bear upon the officers behind 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. 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 it is impossible to determine definitively why Moulton took his action. However, they nonetheless strongly suspected his actions of putting his gun to his head (including his "finger gun" seen early by CHP Officer Sanchez) showed Moulton intended to commit suicide that day and succeeded by pointing the gun at the officers knowing they would shot and kill 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

ATTACHMENTS:

1. [DMV Photo of Richard Wade MOULTON \(DOB: 03/09/1966\) – taken 04/06/2004](#)
2. [Google Earth track of pursuit from Durham to Dry Creek](#)
3. [Drone Photo of scene after OIS with officer and vehicle positions](#)
4. [Moulton 9mm pistol at scene](#)
5. [Synchronized body cameras of seven officers](#)
6. [Detail of Dep. Freeman body camera – slowed](#)