



# BUTTE COUNTY DISTRICT ATTORNEY



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## PRESS RELEASE

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Butte County District Attorney Mike Ramsey announced today that a charge of involuntary manslaughter while armed with a firearm was filed against former Paradise Police officer Patrick Feaster, 31, after autopsy results on the man Feaster shot were received on Monday of this week. Feaster is accused of shooting Andrew Nicholas Thomas, 26, after a roll-over collision in Paradise on November 26, 2015.

Thomas was taken to Enloe Hospital with a single gunshot to his spine just below his neck which nearly severed his spinal cord. Although he initially began to recover, medical records showed Thomas later developed septic shock, including pneumonia and kidney failure, during his stay at the hospital and he died three weeks later on December 19, 2015. Ramsey noted the autopsy from the Sacramento County Coroner's Office concluded Thomas' death was as a result of complications from the gunshot wound to the spine and he had no other significant injuries from the collision which led to his death.

The manslaughter charge was the culmination of several weeks of work involving legal and forensic experts engaged by the District Attorney's Office while waiting for the Thomas autopsy. Before Thomas' death, as was previously noted, no criminal charges were possible under the California law of assault as the firing of Feaster's weapon had to be shown as conscious, willful and intentional. Instead a frame-by-frame analysis of the dashcam video from the former officer's patrol vehicle indicated the officer was "surprised" by its discharge. This included the facts the discharge was seen occurring while the officer was in mid-stride; and that he flinched his head and did a "stutter-step" when the gun fired. As noted by the California Supreme Court, absent a willful and intentional pulling of the trigger, even reckless conduct does not constitute a sufficient basis for a charge of assault, even if the assault results in an injury to another.

However, after the death of Thomas, the law of manslaughter came into play which allowed an examination of criminal negligence as a theory of criminal liability for Feaster's act of pulling and discharging his Glock .45 caliber semi-automatic pistol. An examination of Feaster's training records showed he was extensively trained, as all officers are, to keep his finger off of the trigger until a conscious decision is made to fire the weapon. The Glock firearm's only safety mechanism is on the trigger itself, making it even more imperative to keep one's finger off the trigger. The law of manslaughter requires a defendant to adhere to an objective "reasonable person" standard in which a defendant is presumed to understand the high risk of death by putting his finger on a trigger, even if he did not subjectively intend to do so. Manslaughter law requires criminal negligence, which is defined for California criminal juries as involving "more than ordinary carelessness, inattention, or mistake in judgment. A person acts with criminal

negligence when: 1) He or she acts in a reckless way that creates a high risk of death or great bodily injury; and 2) A reasonable person would have known that acting in that way would create such a risk. In other words, a person acts with criminal negligence when the way he or she acts is so different from the way an ordinarily careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of that act.”

The charge of involuntary manslaughter carries a maximum penalty of four years of custody in county jail (a change from state prison as a result of AB109 in 2011). The additional allegation of being armed with a firearm carries an additional year in custody.

Additional notations:

1. A careful analysis of the dashcam video showed Feaster’s gun was discharged only one time although there is a potential optical illusion of a second shot. It was determined the illusion of a second shot was as a result of Feaster’s gun-mounted flashlight illuminating the expended gunshot gases in front of the pistol’s muzzle as it came down from its original upwards recoil. Additionally the California Department of Justice (DOJ) CSI team found only one expended casing from Feaster’s gun at the scene. The team also determined only one cartridge was missing from the Feaster’s gun when they inspected the pistol and its magazine.
2. There is no separate criminal charge for Feaster’s failure for eleven minutes to inform the other responding officers of the discharge of his weapon. California, unlike other states, does not have a negligent performance of official duty criminal charge. This lack of notification did not result in additional injury or delay of medical help to Thomas according to medical personnel and first responders. This lack of notification was a factor in Feaster’s administrative personnel action which lead to the termination of his employment with Paradise Police.
3. For some reason, a number of internet viewers have criticized the responding officers for not tending to Darien Ehorn, 23, as she lay on her stomach on the pavement after being thrown from the vehicle and being crushed by the vehicle rolling over her. Within seconds of the arrival of the responding officers they stabilized her neck and attempted to rouse her. She was unfortunately, according to later autopsy, beyond help at that time.