



OFFICE OF THE
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December 9, 2022

Chief Greg Baarts
California Highway Patrol
Northern Division
2485 Sonoma Street
Redding, CA 96001

RE: May 26, 2022, Officer-Involved Shooting
Redding Police Department case 22R032396,
Anderson Police Department case 22A006004,
Shasta County Sheriff's Department case 22S15412,
California Highway Patrol case F009-107-22,
Shasta County District Attorney Investigation Division Case number 22GC4082
CALFIRE case 22CASHU005457
Involved Officer: California Highway Patrol Officer Nick Shelburne
Involved Person: Robert Earl Williams (DOB 05/29/1998)

Chief Baarts:

The Shasta County District Attorney's Office has completed an independent review of the above-referenced deputy-involved shooting incident. For purposes of this review, the District Attorney's responsibility is to review the evidence and decide whether there is sufficient evidence to support the filing of criminal charges. Issues of policy, training, tactics, or civil liability were not considered. For the reasons set forth below, we conclude that the shooting was lawful.

The investigation of this shooting was conducted consistent with the current Officer Involved Critical Incident Review Team (OICIRT) process. This protocol involves several Shasta County law enforcement agencies working collaboratively to investigate the facts and circumstances of the shooting. In this case, participating agencies included the California Highway Patrol, the Redding Police Department, the Shasta County Sheriff's Office, the Anderson Police Department, Cal-Fire, and the Shasta County District Attorney's Office. In conducting the investigation, investigators interviewed witnesses and collected physical evidence to gain a full and complete picture of the events that resulted in the fatal shooting of Robert Earl Williams. The findings of the District Attorney are based upon a review of all the material compiled in the multi-agency investigation.

FACTUAL SUMMARY

On May 25, 2022, at approximately 10:57 p.m., a male subject, later identified as Robert Williams called SHACOM dispatch to report that he was overdosing after taking 20 Xanax pills. Redding Police responded to Williams' location at the Red Lion Hotel. Williams was then transported by hospital to Mercy Medical Center. Shortly after midnight on May 26, hospital staff reported to SHASCOM that Williams had left the hospital while receiving medical treatment. A local law enforcement BOLO (be on the lookout) was broadcast to advise police to check on Williams' welfare if they were to encounter him.

On May 26, 2022, at about 1:30 p.m. a civilian motorist and his son were driving northbound on Interstate 5 north of Redding. The driver was crossing the Pit River Bridge when he observed a white Chevrolet Impala travelling 85-90 miles per hour in the same direction. The motorist later reported that this Impala suddenly turned toward his truck, missing them by a foot and causing a near collision. The Impala continued to speed northbound. A short time later the motorist and his son observed the Impala crashed into a tree alongside the highway.

Another motorist described seeing the white Impala weaving in and out of traffic while driving very fast, nearly causing a collision.

A third civilian motorist who was leaving the nearby highway rest area observed the Impala travel across both lanes of the northbound freeway and collide with a tree on the shoulder of the roadway. This motorist was present throughout the incident and later gave a full statement to investigators.

After seeing the collision, the motorist drove his vehicle toward the location of the Impala and proceeded on foot to check on the welfare of the driver. While he was doing this, he called 911. The driver of the Impala was later identified as Robert Williams. Williams was conscious and alert. The civilian asked Williams if he was OK. Williams replied that he was not OK, and the civilian was able to see some blood on Williams' lips and mouth. As the civilian

stood at the driver side door of Williams' vehicle, he saw Williams reach under a blanket near the front passenger seat. Williams pulled out a silver semiautomatic handgun. Upon seeing the handgun, the civilian retreated away from the Impala. Williams remained inside his vehicle.

Within about 3 minutes of the original 911 call, California Highway Patrol Officer Nick Shelburne arrived on scene. Officer Shelburne was a fifteen- year veteran of the CHP. His primary duty was commercial vehicle enforcement, and he was driving a marked CHP Ford F-250 pickup truck. Officer Shelburne happened to be in the area and stopped to assist when he observed the crashed and smoking Impala and a civilian speaking on a cell phone.

Upon Officer Shelburne's arrival, the citizen informed him that there was a single occupant in the vehicle armed with a handgun. Officer Shelburne drew his own weapon and approached the driver side of the Impala on foot.

Upon arriving at the Impala, Officer Shelburne opened the driver side door, which was already ajar, likely due to the force of the collision. Within seconds, Officer Shelburne yelled at the civilian witness to "get out of here" and "get down" and "run". The civilian sought cover at the front of the parked CHP truck.

Officer Shelburne then gave commands to Williams, telling him to "put down the gun". Rather than complying with these commands, Williams exited the Impala armed with the gun. Despite the repeated commands from the officer to put down the weapon, Williams then extended his arms in a shooting posture, pointing the gun directly at Officer Shelburne.

At this point, Officer Shelburne fired his handgun at Williams. Prior to opening fire, the officer had given at least 3 to 4 commands to Williams to drop the weapon. Officer Shelburne fired numerous times at Williams. A later search for evidence at the crime scene yielded a total of twelve .40 caliber casings fired from Officer Shelburne's gun.

Portions of the incident were captured by a dashboard mounted camera inside the CHP vehicle. This footage, which was reviewed as part of this investigation, captures the area in front of the CHP truck. Officer Shelburne can be observed making multiple commands to Williams. The recording also captures a total of 14 rounds fired by Shelburne, over a period of approximately 42 seconds. During the time between the firing of the shots, Officer Shelburne can be heard continuing to command Williams to drop the gun. During the incident, Officer Shelburne updated his dispatch on the status of the incident and indicated that the vehicle was on fire.

As part of this investigation, Officer Shelburne provided investigators with a voluntary statement about the incident. He recalled arriving at the crash scene and being informed by a civilian that someone was in the vehicle with a gun.

Officer Shelburne explained that he did not wait for back up to arrive before walking up to the Impala because he was concerned for the safety of the driver.

Officer Shelburne stated that he walked up to Williams in the Impala and told him, "I am here to help; do you have any injuries? Please don't reach for the gun." Officer Shelburne was able to see the gun in the vehicle. He described it as lying on the passenger seat. He could see that there was a magazine in the gun and the hammer was cocked back, making the gun ready to fire.

Shelburne described Williams as behaving oddly, staring forward and not saying anything. Without saying anything or looking at the officer, Williams reached for the gun with his right hand and raising the gun upward toward the roof. Officer Shelburne believed that Williams was going to shoot himself. He retreated away from the vehicle.

At this point, the crashed car had started a vegetation fire, which was continuing to grow. Officer Shelburne retreated to his CHP truck, parked next to the highway. Suddenly Williams appeared from the trees holding the pistol in both hands pointing it directly at Officer Shelburne. Williams walked in a steady pace toward the Officer Shelburne, pointing the barrel of the handgun directly at him, as he walked.

Officer Shelburne was in fear for his life and for the life of the citizen who was still nearby. He gave orders to Williams to put down the gun. Williams ignored these orders and continued to advance on the officer while still holding the weapon. Officer Shelburne shot Williams. Even after being shot, Williams continued to point his pistol at the officer. After falling to the ground, Williams moved his arm back and forth holding his pistol over his head as if trying to get the officer on target. Officer Shelburne fired several more times until Williams finally dropped the gun and went limp.

Soon after the shooting, a US Forest Service law enforcement officer arrived on scene, having heard the call over dispatch. Officer Shelburne and the Forest Service officer decided that they needed to move Williams, as the fire was moving toward him. The two officers approached Williams and dragged him to an area of safety so lifesaving measures could be attempted. Officer Shelburne secured the handgun from near Williams's body and put it in the rear of his truck for safekeeping.

Despite receiving immediate medical attention Williams died at the scene. An autopsy conducted on Williams' body revealed his cause of death to be gunshot wounds to the chest and abdomen.

Williams' girlfriend was later interviewed by law enforcement. She was the registered owner of the Chevrolet Impala. She told officers that Williams had recently obtained a handgun from a third party. He kept the gun in a backpack and would take it with him when he left home. Williams told his girlfriend that he needed the gun because people were "after him." Williams' girlfriend also told investigators that Williams did not like the police because he thought they were racist. He told her that he believed that the police would shoot him and he would be forced to defend himself before they could do so. Williams' girlfriend told police that

it would not surprise her if Williams was to find himself in a violent encounter with the police.

The weapon possessed by Williams was examined and determined to be a Smith and Wesson .40 caliber semiautomatic pistol. The gun had been reported stolen in a burglary reported to the Shasta County Sheriff in 2019.

LEGAL STANDARD

Penal Code section 835a sets forth the law regarding peace officers' use of deadly force. Peace officers may only use deadly force when necessary, in defense of human life, taking into consideration the particular circumstances of each situation (Section 835a(a)(2)). "The decision of an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight" (Section 835a(a)(4) and (e)(3)). An officer may use deadly force "to defend against an imminent threat of death or serious bodily injury to the officer or to another person" (Section 835a(c)(1)(A)).

Deadly force is defined as "any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm (Section 835a(e)(1)).

An imminent threat is one in which "a person has the present ability, opportunity and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person" (Section 835a(e)(2)).

LEGAL ANALYSIS

In applying the above legal standard to the facts of this case, it is important to consider several factors including the circumstances leading up to the deadly force event. These factors include the officer's training and experience as it related to the threat he was facing, and the facts known to the officer at the time he used the deadly force.

Officer Nick Shelburne was an experienced police officer on May 26, 2022.

Officer Shelburne came upon a car crashed into a tree on the side of Interstate 5. He immediately stopped to help the driver Robert Williams because he was concerned for his welfare. In response to the officer's attempted assistance, Williams armed himself with a .40 caliber pistol from the seat next to him. After Williams grabbed his pistol, the officer created distance by retreating from the car to his truck to de-escalate the situation.

Williams continued to escalate the dangerousness of the encounter by exiting the vehicle, still armed with the gun. He completely disregarded the Officer's attempts to deescalate the situation, ignoring the commands to put the weapon down.

Williams pointed the gun at Officer Shelburne in a clearly understood body posture. At the time Williams did this, he posed an imminent threat to both the officer, the nearby civilian, and the other citizens traveling on the adjacent busy interstate highway. A reasonable officer in the same situation as Officer Shelburne would interpret Williams' behavior as a clear intent to use deadly force. When he pointed a gun at the officer, Williams had the ability, opportunity, and apparent intent to kill another person.

Even after Williams exited the car with the gun, Officer Shelburne continued to try to avoid deadly force by giving repeated commands. Indeed, even after he began firing, Officer Shelburne gave Williams commands to stop. Williams did not comply.

Facing the imminent threat posed by Williams, Officer Shelburne chose to use deadly force to end that threat and by so doing he prevented Williams from killing him and others nearby.

CONCLUSION

Under these circumstances, Officer Shelburne was justified in using deadly force in response to Williams's actions. I find the shooting to be lawful and will take no further action in this matter.

Sincerely,



STEPHANIE A. BRIDGETT
DISTRICT ATTORNEY