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July 24, 2018

Sheriff Kory L. Honea
Butte County Sheriff's Office
5 Gillick Way
Oroville, CA 95965

RE: Butte County Sheriff's Sgt. Mathew Rackley and the April 7, 2018 shooting of Larry Siordia (DOB: 03/13/1985) – Oroville Police #18-1503 / BCSO #18-13507 / BCDA #1800145

Dear Sheriff Honea,

On April 7, 2018 at approximately 7:55 a.m., Butte County Sheriff's **Sgt. Mathew Rackley** shot **Larry Siordia** outside Siordia's residence at 744 Pomona Avenue, Unit A, Oroville. It was alleged Siordia had fired a number of shots toward nearby police officers who had gathered for a reported hostage situation at Siordia's residence. Siordia later died at Oroville Hospital.

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 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 any 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 officer. 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.

That review has been completed and the following are the results of that review.

FACTUAL SUMMARY

In April 2018, Larry Siordia, 33, his 34-year-old wife and their two young children, ages one and four, lived in the west side (Unit A) of a residential duplex at 744 Pomona Avenue, Oroville. Siordia and family had lived there, quietly according to neighbors, since August 2017.

Siordia had filed for bankruptcy on March 30, 2018 based largely on medical and hospital bills totaling over $366,000. These bills stemmed from a gunshot wound Siordia suffered in his upper

right back and chest in May 2013.[1]

On April 7, 2018, at approximately **2:44 a.m.** Siordia's wife's older sister, V.Q., who lived in Chico, received a text message on her cell phone from Siordia's wife which stated "Come get the kids as soon as possible." V.Q. was asleep at the time and did not get this message until later in the morning.

At approximately **3:08 a.m**., the residents in the east side (Unit B) duplex of 744 Pomona Avenue called the Oroville Police Department (OPD) dispatch center and reported that in the past five minutes they had heard 10 gunshots coming from inside the Unit A half of their duplex, with the first few shots muffled and the last few very loud. The entire OPD force on duty that night, OPD Sgt. Joe Deal and his two patrolmen, Shane Carpenter and Mike Sears, were in the station working on reports and were dispatched to the call.

At approximately **3:17 a.m.** the OPD officers reported they arrived on scene at 744 Pomona Avenue Unit A. All was quiet at the time, it was raining heavily and no lights were visible from inside the residence. The Unit A residence was on the left (west side) of the duplex which had two joined garages facing a driveway to the street. To the left of the garage a solid six-foot high wooden fence enclosed the front yard and patio of Unit A. A wrought iron gate attached to the fence and left front corner of the garage was the access point into the patio and to the front door of the Unit A residence. Officers reported the gate was locked with a padlock which prevented the officers from getting to the front door. The officers attempted to announce their presence to anyone in Unit A by shaking the gate, knocking on the outer wall of the garage, flashing their flashlights into the window next to the front door, and verbally calling into the residence. There was no response. The officers had their dispatch center check the license plates of three vehicles parked in the Unit A driveway and were informed the registered owners were Larry Siordia and his wife.

Sgt. Deal noted there was no sign of bullet holes or other outside evidence of gunshots at the residence. The sergeant also noted there was a lack of any other calls into the OPD dispatch center reporting gunshots from the neighborhood.[2] Based upon this lack of apparent exigent circumstances, the sergeant ended their response and sent his patrolmen to another unrelated dispatch call at approximately **3:30 a.m.** Sgt. Deal, however, remained in the general area, driving through the alleyway behind the duplex, using his spotlight to illuminate the rear area and noted that the back fence gate was also padlocked. The sergeant also briefly parked his vehicle at the corner of 6th and Pomona Avenues to surveil Unit A to see if there was any activity after he and his officers left.

At approximately **3:33 a.m.**, Sgt. Deal received a call from his dispatch center, who reported the landlady for the 744 Pomona Avenue duplex had just called in. The landlady stated the residents in Unit B had just called her to report they had heard more gunshots and a smoke detector

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1 Siordia was shot by a CSUC student who claimed Siordia intentionally drove his truck into a graduation barbeque the shooter was having with friends in front of his Chico apartment. It was determined the shooter acted in reasonable self-defense. Siordia was tried but acquitted by a jury after he claimed his truck accidently jumped a curb into the barbeque party. Siordia was a known Norteno gang member and leader who had a number of assault convictions since 2002 along with several prison commitments. However, law enforcement gang detectives believed by the time of the April 2018 shooting incident he had voluntarily dropped out of his gang.

2 In a later neighborhood canvas of the area, at least one neighbor reported hearing gunshots coming from the area, but when that neighbor saw police in the area, the neighbor felt the matter was being handled and did not call 911.

sounding from inside Unit A, and to complain the police were not responding. Sgt. Deal called the landlady at approximately **3:43 a.m.** and received the above information. The landlady insisted the police force entry into Unit A but the sergeant demurred, stating he felt he lacked sufficient probable cause and exigent circumstances from what he had observed thus far to force such entry. Sgt. Deal however got the cell phone number of Siordia's wife from the landlady and attempted a call to that number (at **3:49 a.m.**), but his call went directly to voicemail. The sergeant called his other patrolmen back to the Unit A residence at approximately **3:52 a.m.** and again tried to make contact with any residents inside the darkened residence as they did before – knocking, shaking and flashing lights. There was still no response and the sergeant said he could not hear any smoke detector sounding.

While at the scene, the three officers made contact with the residents of Unit B, who were upset the officers were not forcing entry into Unit A, and expressed fear about staying in their residence. The sergeant explained he felt he did not have legal cause to force entry and left it to the residents whether they wanted to leave their residence. The officers then left the address at approximately **3:59 a.m.** to handle other calls.

The residents of Unit B elected to stay in their residence but again heard more gunshots coming from inside Unit A and reported that information to the OPD dispatch center at approximately **4:22 a.m**.[3] In response, Sgt. Deal drove alone to the area a few minutes later and shined his patrol vehicle's spotlight on the front and rear of the residence in a drive by, but found nothing out of the ordinary. He cleared the area and went back to patrol in other areas of the city.

In the meantime, Siordia's wife's sister, V.Q., had found the 2:44 a.m. text from her sister asking V.Q. to "come and get the kids as soon as possible." At approximately 4:24 a.m. V.Q.'s cell phone showed activity of her attempting to contact other family members to get a ride to Oroville (including a Lyft driver at **4:46 a.m**.). V.Q.'s phone's GPS showed her arriving in Oroville at approximately **5:30 a.m.**

At approximately **5:41 a.m**., V.Q. called the OPD dispatch center to report she was standing outside her sister's residence and wanted police to come immediately as she had just called her sister who answered and whispered something similar to "they have a gun to my head." V.Q. was unclear as to whether there was more than one person involved in the "they."

At approximately **5:43 a.m**., Sgt. Deal and officers Carpenter and Sears, arrived at Unit A and contacted V.Q., who pointed out an apparent bullet hole then visible in the window next to the front door. The officers stated the hole was not there in their previous 3:17 a.m. and 3:52 a.m. visits.[4]

Believing there may be a hostage situation inside 744 Pomona Avenue Unit A, Sgt. Deal began to ask for additional officers from both the Butte County Sheriff's Office and his own agency. Additional OPD officers, who were just coming on duty for their 6:00 a.m. shift, and on-duty BCSO deputies began to arrive shortly after at **5:54 a.m.** Officers blocked off Pomona Avenue and the alleyway behind the duplex and established a perimeter around the duplex to contain and

3 In later interviews with the Unit B residents, a young couple with young children, they stated they heard a total of approximately 14 - 18 gunshots that morning, some loud and some muffled.

4 The officers specifically recalled they had shined their flashlights on this front window to attempt to rouse any interior residents of Unit A.

surveil the residence. As law enforcement officers gathered at the scene, OPD dispatch attempted to call into both 744 Pomona Avenue Units A&B, but received no answer.

At approximately **6:44 a.m.** Sgt. Deal requested fire and medics to stage two blocks away at USA Park (5th and Pomona Avenues), and began to evacuate residents who lived near the 744 Pomona Avenue duplex. More officers continued to arrive in the residential area to assist.

After consultation with on-duty BCSO sergeants, it was agreed at approximately **7:24 a.m.** to make a full "Code Red" call-out of the sheriff's SWAT team, Hostage Negotiation Team, Tactical Dispatchers and the Butte Inter-Agency Bomb Squad.[5]

At approximately **7:47 a.m.**, the residents from a duplex at 718 Pomona Avenue (the duplex immediately to the left (west) of 744 Pomona Avenue) were contacted and escorted away from the area. The officers involved in those evacuations had their SUV patrol vehicles parked in the street near the intersection of Pomona and 7th Avenues.[6] Sheriff's deputies Aaron Parmley, Vicente Arredondo, Cody Stothers; and OPD officers Michael Sears and Ali Kahn were near those patrol vehicles at that time. OPD officer Shane Carpenter had established a surveillance post on the porch of 719 Pomona Avenue across the street from 744 Pomona Avenue.

Sheriff's SWAT sergeants Ryan Gsell and Mathew Rackley at the same time were walking west on the south sidewalk of Pomona Avenue from 6th toward 7th Avenue intending to view and photograph the front of 744 Pomona Avenue to aid them in their SWAT planning.

At approximately **7:54 a.m.** a male Hispanic, wearing no shirt and heavily tattooed (later identified as Siordia), was seen by a number of the officers to be outside of Unit A standing inside the wrought iron fence of Unit A. The officers saw Siordia look through the iron bars of the gate toward Sgts. Gsell and Rackley across the street and then move his attention toward the officers near the intersection of Pomona and 7th Avenues. Sgts. Gsell and Rackley saw and announced over the radio that Siordia had a handgun in his hand.

Siordia then moved west behind the wooden fence and the officers immediately heard and saw gunshots coming through the fence splintering wood outwards toward the street. Officer Carpenter, from his concealed vantage point across the street, also saw the gun come above the fence and fire several shots toward the street.

Sgt. Rackley said he could tell the shots were directed at the officers and deputies near the intersection. He saw puffs of gun smoke come from behind and above the fence and then the corresponding emerging hole in the fence would show a trajectory toward those officers.

The officers at the intersection retreated behind their patrol vehicles and reported bullets "whizzing" and "zinging" by them and striking the ground nearby ("causing sparks" as one said). Most also heard one of the gunshot rounds hit Deputy Stothers' SUV patrol vehicle in the right front passenger fender as officers sought protection behind the vehicle.[7]

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5 The Bomb Squad's remotely-operated robot is often used in hostage situations.

6 Two sheriff's vehicles were parked next to each other on 7th Avenue facing north at the southeast corner of the intersection with Pomona Avenue. Two OPD vehicles were parked rear bumper to rear bumper in curved line on Pomona Avenue near the northeast corner of the intersection with 7th Avenue.

7 A badly deformed bullet fragment and piece of copper (jacket) was later recovered from inside the quarter panel. It was consistent with being fired from a .40-caliber Glock semi-automatic pistol (which was later recovered next to

The officers heard and saw two volleys of shots coming from behind the fence. This was confirmed with later analysis of their body cameras and a cell phone video taken by a civilian who filmed from behind and south of the officers near the intersection of 7th and Gardella Avenues. There was a rapid fire first volley of seven shots, a pause of nine seconds, and then another rapid volley of nine shots – for a total of 16 shots toward the officers.[8] A later examination of the wooden fence revealed a total of 13 gunshot holes directed from the inside of the fence toward the street. This led investigators to believe that three of the shots by Siordia were shot over the fence as described by Officer Carpenter and a neighbor from across the street.[9]

After Siordia's last volley of shots, Sgt. Rackley worked his way back east along the south sidewalk seeking the cover and protection of large street trees along his route in order to get a better view further toward the inside of the patio area. He stopped behind a tree further east and opposite the wrought iron gate which afforded the best view through the gate toward the interior of the patio. It was at this time Sgt. Rackley saw Siordia come back to the gate and again look toward the position of the officers and their clearly marked patrol vehicles at the Pomona and 7th Avenue intersection. From his new position, the sergeant noted he could not see Siordia's hands because of the intervening vehicles in the front driveway of Unit A. However, he noted Siordia's upper body language gave a clear indication he was carrying something such as a gun in his unseen right hand.

Sgt. Rackley is a sheriff's SWAT team leader having been with the sheriff's office for 11 ½ years. He is also a range instructor, less lethal weapons instructor, chemical agent instructor, rifle instructor, active shooter instructor and tactical medicine instructor (having been an emergency medical technician (EMT) for 13 years prior to becoming a sheriff's deputy). Based upon his training, education and experience, Sgt. Rackley said he believed Siordia was about to resume firing at the officers and the residential neighborhood again. The sergeant also said he was concerned the armed and clearly hostile and dangerous man may retreat into the residence where a woman and children had reportedly being held "at gunpoint."

At **7:55 a.m.**, while standing behind his covering tree, Sgt. Rackley raised his .223 caliber AR-15 duty rifle, took aim at the top of Siordia's sternum and fired one shot. This shot was 59 seconds after Siordia's last volley of shots. The shot traveled 40 yards to Siordia's upper right chest causing him to fall down onto interior patio. The sergeant moved into the street and got into a prone position to see under the cars in the driveway to see if he could see what Siordia was doing. All he could see was Siordia down on his stomach with his feet pointing toward the sergeant.

At this time other officers and deputies in the area began to move toward the front fence and gate. Some tore fence boards off the fence to get a clear view of Siordia on the ground and enter

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Siordia on the patio of Unit A).

8 Sixteen expended .40-caliber casings forensically matched to the above .40 caliber Glock semi-automatic pistol were found in the patio area of Unit A.

9 Bullets and bullet fragments consistent with being fired from a .40-caliber Glock semi-automatic pistol were found outside of the fence downrange – three rounds in four fresh gouges in the soil just outside the fence; on the sidewalk in front of 675 Pomona Avenue; in the street on 7th Avenue just south of the southwest corner of its intersection with Pomona Avenue; on the 7th Avenue west sidewalk south of Pomona Avenue; in a large wooden spool at 1768 7th Avenue; on a walkway to the north side of 1768 7th Avenue; and from the driveway of 1768 7th Avenue.

the patio. Others retrieved bolt cutters and cut the lock off the wrought iron gate to allow entry at **8:00 a.m.** Once inside the porch area, some began medically attending to Siordia (including an OPD officer with EMT training) after retrieving and securing a loaded .40-caliber Glock semi-automatic pistol found near Siordia's right side. Others formed a small group and entered the Unit A residence through an unlocked west side sliding glass door located toward the rear of the residence. Once inside the residence, the officers retrieved Siordia's wife and two small children from back bedrooms. Deputies carried the children and escorted the wife through the backyard to a chained and padlocked rear gate in a 6-foot high chain-link fence. The lock was cut and the wife and children were taken down the back alleyway to safety.

Previously staged OPD fire medics were called and came onto the patio at **8:05 a.m.** to further assist in life-saving efforts begun by the Oroville police. Siordia was alive but having difficulty breathing with a bullet wound entry into his front right lower neck and out his upper right back. He was assisted to a gurney and transported to waiting ambulance. The ambulance began transporting him to Enloe Hospital, but his condition rapidly deteriorated to the point that the ambulance was diverted to Oroville Hospital. Emergency surgery was instituted but Siordia was pronounced deceased during the procedure at **8:54 a.m.**

AUTOPSY

On April 10, 2018, an autopsy was performed on the remains of Larry Siordia by the Sacramento County Coroner at their facility in Sacramento. Pursuant to the policy of the Butte County Sheriff-Coroner, any time a 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 found the cause of death to be a "Gunshot wound to neck." Forensic pathologist/ neuropathologist Dr. Keng-Chin Su found the entry point of the gunshot to be at the anterior (front) lower neck one inch to the right of the midline of the body. The gunshot wound path showed a bullet traveled through the clavicle (collarbone) close to its joint with the sternum; it then continued on to lacerate the right subclavian vein, through the upper lobe of the right lung, through the right posterior (rear) 4th rib, and exited at the right upper back/scapular (shoulder blade) area three inches to the right of the midline of the body. It was noted Siordia's right lung was collapsed.

Evidence of Siordia's previous gunshot wound was noted in a finding of "moderate right pleural adhesions."

The toxicology of a blood sample taken at autopsy revealed a very high level of cocaine in Siordia's system. The cocaine level was tested to be at 0.29 mg/L. The toxicology report noted blood cocaine levels of 0.05 – 0.3 mg/L are considered to the normal effective level, whereas levels of 0.25 – 5.0 mg/L are considered to be potentially toxic. Medical literature indicates "patients with cocaine toxicity may be combative, aggressive, and disoriented, and have delusions of persecution or hallucinations (and) caution is appropriate because the patient may attempt to harm care providers."[10]

SUBSEQUENT FORENSICS / CRIME SCENE INVESTIGATION

10 Medscape: Cocaine Toxicity Treatment & Management – by Lynn Barkley Burneet, MD, EdD, LLB(c)

During a subsequent search and processing of the scene inside and immediately around Unit A, a bag of cocaine was spotted on the rain gutter on the west roof of the duplex. The net weight of the cocaine was 27 grams, which is the equivalent of 270 individual dosage units, worth approximately $1100 on the street.

Additionally significant amounts of growing, processed and concentrated marijuana was found in and around the residence. Inside the garage there was a small tent lined with reflective material and a grow light over 29 live two-three inch high marijuana "starter" plants individually growing in red and blue plastic cups.

On the shelves and the floor of the garage were several containers of processed marijuana bud, including several one pound turkey oven bags containing marijuana bud. The total weight of marijuana bud in the garage was 20.89 net pounds.[11]

Inside the residence, in a closet in the living room was found 182 commercially-labeled small glass jars each containing ½ gram of brown tacky hash oil (also known a butane honey oil). Also found in the closet was 108 individually packaged and commercially-labeled vaporizer pen cartridges containing hash oil. Additionally there were 76 individual commercially-labeled syringes filled with 0.9 UL (micro liters) of hash oil (with instructions on how to use: "dab it, eat it, put it in your food, joint, blunt, add it to your taco"). Finally, in the closet was 98 small plastic containers each containing a folded piece of parchment paper with 1 gram of an amber-colored substance known as "shatter" – a refined hash oil. In a kitchen cupboard were three small glass jars of hash oil like those jars found in the living room closet.

In the driveway of Unit A, marijuana was also found in the three Siordia vehicles parked there. In the trunk of the red Buick Lacrosse was a large white garbage bag with four individual turkey oven bags with approximately one pound of marijuana bud each. On the floorboard of the rear passenger side, was a clear zip lock bag containing five individually packaged vaporizer pen cartridges filled with hash oil like those in the closet and ten individual jars of hash oil like those in the closet. In the silver Mercedes C230 was a small glass jar of hash oil like those in the closet and a vaporizer pen with an attached hash oil cartridge like those in the closet. In the tan Toyota 4Runner were two small glass jars of hash oil like those in the closet.

The total value of the marijuana and hash oil derivatives found in the garage, residence and vehicles was estimated to be worth approximately $38,210.

Two assault rifles, a Ruger Mini 14 (with an attached magazine containing 20 .223-caliber cartridges) and a FMK Firearms AR-1 Extreme (loaded with one .223-caliber cartridge and an attached magazine containing six .223-caliber cartridges), were located on the floor of the kitchen near the front door.

Numerous live and expended .40-caliber and .223-caliber cartridges and casings were found throughout the interior of the Unit A residence including numerous apparent gunshot holes in the interior walls and doors. A total of eight expended .40-caliber cartridge casings were found inside the residence which were forensically matched to having been fired in the .40-caliber Glock semi-automatic pistol recovered next to Siordia outside on the patio. A total of 18 expended .223-caliber cartridge casings were found inside the residence which were matched to

11 In a black duffel bag in the garage was a medical marijuana recommendation in the name of Larry Siordia.

having been cycled through the chamber of the FMK Firearms AR-1 Extreme assault rifle.[12]

Four badly deformed bullets and a possible bullet fragment were recovered inside various areas inside the residence, but no ballistic matches could be made due to their deformations. Other bullets inside walls were specifically not recovered to prevent further destruction of the residence. The numerous gunshot holes inside the residence were basically aligned traveling north and south through the bathroom areas.

Besides the extended 22-round magazine (with 16 cartridges) inside the .40-caliber Glock semi-automatic pistol on the patio next to Siordia, there was also another separate .40-caliber Glock magazine with 15 live cartridge found under a child's bike on the patio.[13]

A badly deformed rifle bullet consistent with Sgt. Rackley's .223-caliber round was found under the back fence of Unit A. The bullet tested positive for blood. Additionally there was a gouge mark on the inside of the western wooden fence of Unit A. This led investigators to opine it was consistent with a bullet trajectory from Sgt. Rackley's firing position through Siordia's body to the fence gouge which then deflected the bullet slightly to its final resting place.

FAMILY INTERVIEWS

Investigators, both on the day of the shooting and subsequently, attempted to interview members of the Siordia family as to what happened inside Unit A that early morning when neighbors reported hearing numerous gunshots. An early attempt to interview Siordia's wife while at the scene was stopped when Siordia's brother arrived on scene and announced no one was going to talk without consulting with their lawyer.

It was noted in a later review of an officer's body camera that the wife's mother, who had arrived on scene before the brother, asked the wife if "anyone else" was in the home, to which the wife shook her head negatively.

There were subsequent conversations with the Siordia family attorney, including an offer for Siordia's wife or others to tell the attorney what happened, who could then pass it on to investigators. The lawyer said the offer was declined.

CONCLUSION

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 extensive investigation throughout that day and over the subsequent weeks.

The investigation and subsequent review by my office included interviews of all involved officers; photos and forensic processing of the scene; forensic recreations of the scene; forensic review of all law enforcement body cameras; forensic review of civilian cell phone video;

12 These casings could not definitively be said to have been fired in this rifle as the firing pin marks on the cartridges were not well enough marked to make a definite match. The match was made on extractor mark comparisons.

13 There was a live .40-caliber round found on the patio which was ejected from the Glock pistol by OPD Sgt. Steve Solano when he found the Glock pistol next to the prone Siordia. This was done to render the pistol "safe" as officers attended to Siordia.

analysis of the Siordia autopsy; and blood toxicology. Additionally interviews of surrounding neighbors and local citizens were conducted.

Based upon the above observations and evidence, investigators came to the conclusion Larry Siordia, very heavily intoxicated on cocaine, suffered some sort of breakdown and turned violent during the early morning hours of April 7, 2018. His wife, fearful of the violence, attempted to reach out to her sister at approximately 2:44 a.m. to "come get the kids as soon as possible." Starting a few minutes later and continuing until around 4:20 a.m., Siordia sporadically fired his .40-caliber Glock pistol and AK-1 assault rifle some 26 times inside Unit A with his wife and children there. When the wife's sister arrived outside the residence around 5:30 a.m. and was able to reach her sister momentarily on the phone, the wife warned about a "gun to her head." The sister told this to officers, who, fearing a hostage situation, began to surround and surveil Unit A and to evacuate neighbors. At some point Siordia, a previously documented gang member, became aware of the police presence outside his residence. He came out and, using the same Glock semi-automatic pistol he used to shoot up the inside of his residence, began spraying 16 shots at the nearby fully-uniformed officers, their clearly-marked patrol vehicles and the neighborhood.

BCSO Sgt. Rackley was caught, as were the other officers, by surprise at the ferocity of Siordia's shooting at them. The sergeant could see the gunshots were directed at the other officers in the area. He said he feared for their lives as well as for the civilians in the neighborhood from an obviously well-armed assailant. The sergeant also said he felt the gunman at the gate was the subject who was holding the family hostage at gunpoint inside Unit A. Sgt. Rackley said he feared the gunman would return inside to resume his shooting which was heard earlier that morning coming from inside the residence. When Siordia returned to the gate apparently still holding his gun, Sgt. Rackley said he knew he had to take immediate action to protect the officers, the neighbors and the hostages, so he fired his rifle.

Under established California and federal law, a finding of criminal liability on the part of Sgt. Rackley can only be found if it could be established beyond a reasonable doubt that he did not act in reasonable self-defense or defense of others. 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.

In other words, before a criminal case could be brought against the sergeant, the evidence must show the sergeant could not have reasonably believed he needed to defend against the deadly force presented by Siordia's actions. In fact, the evidence reviewed weighed substantially toward the opposite conclusion and supports Sgt. Rackley's stated belief that he needed to defend the other officers, deputies, neighbors and hostages in the area as reasonable – and his actions as justified. Therefore no criminal case could be sustained against Sgt. Mathew Rackley.

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