

OFFICE OF THE DISTRICT ATTORNEY

October 8, 2015



REPORT ON THE AUGUST 24, 2013
SHOOTING OF RYAN CARNAN
BY SIMI VALLEY POLICE OFFICERS FRANK MIKA
AND LINCOLN PURCELL

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I. INTRODUCTION

On the afternoon of August 24, 2013, Ryan Carnan shot and killed his mother, Sally Carnan, in the house where they both lived at 1189 Mellow Place in the city of Simi Valley. Carnan then called his brother, Richard Carnan, and told him, "I killed mom. She's dead in the bathroom." Carnan fired shots at some of his neighbors and then set several fires in the rooms of the Mellow Lane home.

Richard Carnan called 911 to report his brother's phone call. When police arrived at the Mellow Place home, Ryan Carnan fired several shots at the responding officers from a hidden position at the rear of the property. He then retreated into the hills on a small farm tractor.

In response to this active shooter threat, Simi Valley Police called out their Special Weapons and Tactics (SWAT) team¹. Carnan was reported heading towards Azure Hills Drive, north of Mellow Lane on a farm tractor. Three of the responding officers, Michael Foley, Lincoln Purcell, and Frank Mika drove together west on Azure Hills Drive and noticed children playing in some of the yards. They parked their patrol vehicle east of Carnan's reported location and began walking westbound while directing the children inside their houses.

Carnan emerged from Azure Hills Road and, after brandishing his handgun at some of the residents, continued driving the tractor eastbound in the direction of the three officers. Over their handheld radios, the officers heard that Carnan was headed toward their location. They positioned themselves on the hill to the north side of the street.

¹ SWAT teams consist of highly trained, specially equipped, experienced police officers who are deployed most commonly for hostage situations, fortified and armed suspects, serving high-risk search warrants, and terrorist threats.

Carnan was driving the tractor on a bridle path on the south side of the street. He still held a handgun in his left hand. When he came into view, the officers identified themselves and ordered Carnan to drop his weapon. Carnan looked at the officers and pointed his gun in their direction. In response to this deadly threat, Officers Mika and Purcell each fired two shots at Carnan, killing him.

The District Attorney's Office has a 24-hour, on-call, officer-involved shooting team available to all Ventura County law enforcement agencies to assist in the investigation of officer-involved shootings. Once the District Attorney's Office was notified of the shooting, Senior Deputy District Attorney Christopher Harman and District Attorney Investigators Robert Coughlin and Sonia Sanchez responded to the shooting scene and consulted with investigating officers.

The Simi Valley Police Department initiated an investigation of the shooting, which included interviewing witnesses, collecting physical evidence, and photographing the area of the shooting. All of the involved officers individually submitted to a voluntary interview with criminal investigators where they described the circumstances of the shooting in detail.

The Simi Valley Police Department's investigation reports and follow-up investigation were submitted to the District Attorney's Office for a determination of whether the shooting of Ryan Carnan was justified and, if not, whether criminal charges should be filed.² The scope of the District Attorney's review was limited to those issues.

² The final follow-up investigation by the Simi Valley Police Department was provided to this office on March 26, 2015. This included analysis of Carnan's cell phone and audio recordings of civilian witness interviews.

The District Attorney's review involved approximately 3,000 pages of reports and documents which included interviews of police and civilian witnesses, diagrams, more than 760 photographs, numerous recorded interviews and records, recordings of radio transmissions, and a visual and forensic examination of the scene of the shooting.

Following completion of additional investigation, the District Attorney reviewed all available information and evidence and the applicable legal authorities. Based upon that review, it is the opinion of the District Attorney that the shooting of Ryan Carnan by Simi Valley Police Officers Frank Mika and Lincoln Purcell was justified and not a criminal act.

II. STATEMENT OF FACTS

A. RYAN CARNAN

Ryan Carnan was born February 22, 1984. After high school, Carnan had a history of drug and alcohol abuse. Prior to 2009, he had four separate incidents where he was hospitalized pursuant to Welfare and Institutions Code section 5150³ as a danger to himself or others.⁴

In 2006, Carnan enlisted in the U.S. Army and was deployed to Korea. He admitted to Army doctors that he drank heavily during his deployment. During that deployment, he began to experience auditory hallucinations that led to him being medically discharged

³ Welfare and Institutions Code section 5150 provides that a peace officer or other qualified professional take or cause to be taken into custody, any person who is a danger to himself or others or is gravely disabled, for a period of up to 72 hours for assessment, evaluation, crisis intervention, or placement in a facility designated by the California Department of Health Care Services.

⁴ Records for two of the incidents could not be located. However, during an incident which occurred in February 2005, Sally Carnan, Carnan's mother, told police officers that it was the third time Carnan had been detained by police pursuant to W&I Code section 5150.

for schizophreniform disorder.⁵ He was formally discharged from the Army on March 9, 2008, and returned home to live with his mother at 1189 Mellow Lane.

In 2008, he was again detained pursuant to Welfare and Institutions Code section 5150 after an incident where he threatened his mother by pretending he had a handgun.

Ms. Carnan also informed the officers that Carnan had attempted to buy a handgun but had been told by the State that he was ineligible to buy one. After that incident,

Ms. Carnan asked Carnan to leave, and she and Carnan's siblings obtained a restraining order against him.

Carnan lived in a Simi Valley apartment for a short time, then moved to Kentucky to live with relatives. During that time, Carnan reached out to the Veterans Administration (VA) to receive treatment for his schizophreniform disorder, which he described as worsening. He continued to drink heavily and was eventually told by his relatives to find his own place to live. In January 2011, he was hospitalized at the Louisville, Kentucky VA Medical Center after self-reporting an attempted suicide.

In 2012, Carnan moved back to Simi Valley and lived with his mother at 1189 Mellow Lane. His medical care, including mental health care, was transferred to the West Los Angeles VA Medical Center (VAMC.)

Carnan was last seen by a psychiatrist at the VAMC on July 5, 2013. During that appointment, he informed the doctor that he had stopped taking all medications at least one month prior to that date because the prescriptions were making him angry. He claimed he was "doing fine" without them. Although he confirmed that he was hearing

⁵ "[S]chizophreniform disorder is equivalent to schizophrenia, but lasts less than six months." (American Psychiatric Association *Diagnostic and Statistical Manual of Mental Disorders* (5th Ed. 2013).)

auditory hallucinations, he denied experiencing any homicidal or suicidal hallucinations. His doctor wanted to start him on a different form of one of his medications, but Carnan left before the doctor could make that recommendation. The VA left messages with Carnan several times to schedule a new psychiatric appointment, but no appointment was ever made. The last message was left for Carnan on August 23, 2013.

B. SHOTS FIRED AT 1189 MELLOW LANE

Carnan had been enrolled at Moorpark College but dropped all of his classes on August 24, 2013. Later that day, Carnan shot his mother six times, killing her. He then called his brother Richard to say what he had done. While talking on the phone with Richard, Carnan fired shots at two individuals riding past the home on bicycles. He then started multiple fires inside the residence by using road flares. He also placed gasoline containers in many of the rooms of the home in order to cause explosions and increase the damage to the home.

C. POLICE RESPONSE

Simi Valley Police Department received a call from Richard Carnan who reported his conversation with his brother. Police also received multiple reports of gunshots fired on Mellow Lane. Several police officers were dispatched to the area. Sergeant Adam Darough, and Officers Ryan Brennan, Steven Philbrook, and Jeff Takeda arrived and approached the front door of 1189 Mellow Lane. The door was locked. They began moving toward the backyard and noticed that the home was on fire. Smoke had blackened the windows, preventing them from seeing inside. They made their way to the rear sliding glass door of the house. There, they were able to see inside and confirm that the home was burning.

While the officers were standing at the rear sliding glass door, a suspect, later identified as Carnan, fired approximately six shots at them from a hidden position in the backyard. The

officers took cover and radioed dispatch, reporting that they were under fire. They then crawled around the side of the house to a more protected location. Carnan fired another six to seven shots at the officers.

Carnan then drove away from 1189 Mellow Lane on a small orange farm tractor. He drove through the hillside and tried crashing through fencing behind 639 Azure Hills Drive. He eventually exited onto a bridle path on the southern side of Azure Hills Road and drove the tractor eastbound.

Officers Michael Foley, Frank Mika, and Lincoln Purcell had been at the Simi Valley Police Station working on an unrelated case when they heard that officers had been dispatched to the Mellow Lane residence in response to the call regarding Carnan shooting his mother. They heard the additional reports of Carnan shooting at neighborhood residents and responding police and believed there was an active shooter moving about in a residential neighborhood.



Tractor Carnan was driving on August 24, 2013

As they responded to the scene, they heard a radio broadcast that the suspect had driven to Azure Hills Drive. The officers proceeded to that area and parked just west of 526 Azure Hills Drive. They each noticed that residents were in the area and saw young children playing in a backyard who were visible from the street. They yelled at the children to go inside the home.

Their patrol car was equipped with a rifle and a shotgun. Officer Purcell armed himself with the rifle, Officer Mika armed himself with the shotgun, and Officer Foley removed his handgun. They notified dispatch and other officers of their location and began walking westbound towards Carnan's location.

D. THE SHOOTING

As Officers Foley, Mika, and Purcell walked westbound, they were able to hear the sound of a tractor approaching their position. There was no cover in the area due to the open and hilly space between 526 Azure Hills Drive, the residence east of their position, and 529 Azure Hills Drive, the residence west of their position.

In order to obtain a position of concealment and a safer location to fire weapons if it became necessary, the officers crossed a low fence on the northern side of the street and climbed a short distance up the hillside.



Officer Mika's location (yellow flag) and tractor's final location

Carnan continued driving the tractor east on the bridle path, looking straight ahead. He was holding a gun in his left hand, pointing it in the air. When Carnan was approximately 200 feet away, Officer Mika ordered Carnan to drop his gun. After hearing Officer Mika's voice, Carnan began scanning the area for the officers' location. When he saw the officers, he lowered his gun and pointed it at them. Officer Mika and Officer Purcell each fired one shot at Carnan, and both shots grazed his body.

Carnan then turned the tractor and began driving toward the officers. Officer Mika and Officer Purcell each fired a second shot. One of those shots struck Carnan in the head, killing him. Carnan slumped over and dropped the gun. Officer Mika stated, “He’s down.”



Tractor Tracks on Bridle Path with Distinct Change of Direction

The tractor continued driving until it struck a tree with its front bucket. The tires continued spinning, but the tree prevented the tractor from moving forward. Carnan’s body moved each time the tractor bounced, and the officers could not tell if Carnan was moving on his own or because of the tractor.

Officer Greg Buchanan drove the Simi Valley Police V150 armored vehicle to the area. When he heard Carnan had driven to Azure Hills Drive, he began driving up the street. He arrived at Officers Foley, Mika and Purcell’s location a few moments after the shooting. The officers used the armored vehicle to provide cover as they approached

Carnan. They observed that Carnan was not breathing and did not show any other signs of life.

E. ADDITIONAL POLICE RESPONSE AND INVESTIGATION

Officers had also been dispatched to investigate the crime scene at 1189 Mellow Lane which was still on fire. After some time, firefighters were able to contain the fire at the Mellow Lane home, and officers were allowed to enter and search the location. The body of Sally Carnan was located inside the home. Ballistics testing confirmed that she had been shot six times with the same handgun Carnan possessed while fleeing in the tractor.



Handgun Located on Tractor

A crime scene perimeter was also established on Azure Hill Drive which included the officers' location on the hill, the tractor, and the bridle path on which the tractor drove. Evidence seized at the Azure Hills Drive scene included a .44 caliber Ruger Super Blackhawk 6-shot revolver, 107 unexpended .44 caliber cartridges and five cartridge

casings from a fanny pack Carnan had been wearing, a road flare, and miscellaneous personal items.

Officers also traced the path the tractor had driven through hills and located seven expended .44 caliber cartridges, and one unexpended .44 caliber cartridge. Most of those cartridges had the same head stamp as the other ammunition carried by Carnan.⁶

The next day, Officers Foley, Mika, and Purcell each provided criminal investigators separate, voluntary walkthrough interviews regarding the shooting incident.

F. TIMELINE

The following timeline was established from the Simi Valley Police Dispatch tapes and Dispatch log.

- 4:44:18 p.m. Call from Richard Carnan reporting that Ryan Carnan had called him saying he just killed their mother.
- 4:47:51 p.m. Caller reports that a subject with glasses pointed a rifle and fired a rifle at her as she rode her bicycle on Mellow Lane.
- 4:48 to 4:49 p.m. Several Mellow Lane residents call and report hearing approximately five gunshots from 1189 Mellow Lane.
- 4:58:51 p.m. Police units began approaching 1189 Mellow Lane.
- 4:59:03 p.m. Sergeant Darough reports possible female in doorway.
- 5:00:17 p.m. Officer Gene Colato reports there is nobody on the front porch.
- 5:02:54 p.m. Police report seeing smoke on west side of residence at 1189 Mellow Lane.

⁶ A head stamp is a marking at the bottom of a cartridge case that typically identifies the manufacturer and the caliber of the ammunition.

5:04:15 p.m. Sergeant Darough confirms 1189 Mellow Lane is engulfed in fire and they are unable to see inside.

5:04:16 p.m. Carnan begins firing shots at police officers at 1189 Mellow Lane.

5:04:43 p.m. Caller reports Carnan drove tractor through gate behind 639 Azure Hills Drive.

5:09:28 p.m. Carnan fired more shots at police at 1189 Mellow Lane.

5:13:20 p.m. Caller reports Carnan driving the tractor back toward 639 Azure Hills Drive.

5:19:40 p.m. Caller reports Carnan driving tractor on the bridle path in front of 529 Azure Hills Drive while holding a gun.

5:19:43 p.m. Another caller reports Carnan driving tractor on the bridle path on Azure Hills Drive while holding a gun.

5:19:59 p.m. Officer Purcell reports they are walking westbound on Azure Hills Drive.

5:20:15 p.m. Officer Purcell reports tractor is coming up the street.

5:20:43 p.m. Caller on phone with dispatch reports shots being fired.

5:20:51 p.m. Officer Mika reports shots fired at Carnan.

5:21:42 p.m. Officer Purcell reports Carnan is down and the tractor has hit a tree and is still running.

5:40 p.m. Carnan officially pronounced dead at the scene.

G. WITNESS STATEMENTS

Numerous individuals were interviewed, including the involved officers, Carnan's family members, and civilian witnesses. Summaries of the most pertinent witness statements are set forth below.

1. JENNIFER STAVRO

Jennifer Stavro is Ryan Carnan's older sister. She was interviewed on August 26, 2013, by Simi Valley Police Detective Keith Eisenhour.

Ms. Stavro related that Carnan seemed normal in high school, but then began mixing with the wrong crowd. He began drinking and using drugs, such as methamphetamine. He went to the doctor after "huffing" a cleaning spray, which she felt was the beginning of his mental health decline.

Carnan graduated from high school but did not work. He argued regularly with their father about his lack of motivation. The police were called to the home twice due to the arguments. Ms. Stavro recalled waking to the sounds of Carnan smashing things in his room. She became afraid he would do the same in her room but he never did. She recounted that growing up she had the fear that one day Carnan would kill her family while they were sleeping.

When Carnan joined the Army, Ms. Stavro was surprised he was allowed to enlist based on his personality. She stated her brother had reminded her of a character from the film "Full Metal Jacket" who killed his drill instructor and then committed suicide during boot camp. She was a little worried about him being around guns and guys being "macho." However, she stated, at that time, Carnan was not as "socially awkward" as he later became.

Carnan had problems while stationed in Korea and was transferred to Hawaii. Their father died while he was stationed in Hawaii. Carnan was able to visit home a few times while his father's health was failing and he made it home shortly before his father died.

Ms. Stavro believed that Carnan felt guilty about not being around when their father was sick.

Carnan was discharged approximately six months after their father died and he moved back into their home. Ms. Stavro and her family were not told the basis of Carnan's discharge at the time. She found out later that Carnan had been discharged due to schizophreniform and psychosis.

Carnan was hospitalized in 2008 on a psychiatric hold after he had trashed his room and held a knife against himself, asking Ms. Stavro if she wanted him to die. He was released after three days. Ms. Stavro said Carnan was smart enough to "act normal and get out." Carnan was told to move out of the house based on the incident, and they obtained a restraining order against him. Carnan lived by himself in an apartment in Simi Valley for about a year. He tried to buy a gun that year but she believes he was unable to because of either the restraining order or his prior psychiatric holds.

Carnan moved to Kentucky and stayed with his aunt and uncle. After about six months of misbehavior, they asked him to leave and Carnan moved into an apartment in Kentucky. In 2010 or 2011, Carnan asked their mother if he could move back home. Ms. Stavro and her other brother argued against it but their mother let Carnan move home.

Ms. Stavro lived at the home for approximately another six months after Carnan returned home. During that time, her mother told her that Carnan had once said, "You're so stupid, I should just kill you."

Carnan's mood and behavior seemed to fluctuate on a three-to five-month cycle. Sometimes he acted perfectly normal, while other times he appeared paranoid, staying in

his room, and talking about things that did not make sense. Prior to the shooting, he appeared to be more angry about his circumstances.

Ms. Stavro recalled that her brother was consistently abusing a substance, either alcohol or his prescription drugs. She recounted times when he offered her controlled substances. One instance, he offered Ms. Stavro and her friends “energy drinks” with an odd color which he later admitted he had spiked with his prescription Adderall. At that point, she realized she could not trust him.

Carnan got along well with Ms. Stavro’s then-boyfriend, Jason Stavro, who she later married in 2013. Ms. Stavro felt that her husband was Carnan’s only real friend. Carnan would typically become depressed and resume drinking after Ms. Stavro and her husband would return to San Diego.

Ms. Stavro was afraid of her brother. Although she had never been in a direct confrontation with him, Carnan would argue with their father when he was alive, their mother, and their brother, Richard. Ms. Stavro said that she, her brother Richard, and their mother were afraid that Carnan would burn the house down if they ever kicked him out. However, she did not recall her mother ever expressing fear of physical harm to herself from Carnan since he had moved back home.

Ms. Stavro recalled her mother told her that Carnan said he would kill Ms. Stavro and their brother, Richard, if they tried to cut Carnan out of their mother’s will. After learning about that statement, Ms. Stavro and her husband did not spend the night at the home because she was afraid Carnan would try to kill her. However, she still would visit the home.

The last time Ms. Stavro saw her mother and Carnan was late July or early August 2013. At that time, there were no problems with Carnan except that he became upset after she and her husband left.

During the weeks prior to the murder, Ms. Stavro's mother told her that Carnan had enrolled at Moorpark College and appeared to be excited about returning to school. She also mentioned that he had received a new pair of glasses to help him see better.⁷

Ms. Stavro last spoke to her mother on August 23, the day before the murder. Ms. Carnan relayed that Carnan was upset because his new glasses were not helping his vision and he was unable to read anything. Carnan told her mother that he was so mad he was going to go punch somebody at the VA.

2. RICHARD CARNAN

Richard Carnan is Ryan Carnan's younger brother. On August 24, 2013, he called 911 to report receiving a phone call from his brother in which his brother claimed to have killed their mother. Richard Carnan was interviewed later that day by Detective Eisenhour.

A. 911 CALL

On August 24, 2013 at 4:44:18 p.m., Richard Carnan called 911. When the operator asked what he was reporting, Mr. Carnan responded, "Uh, yeah, um, my brother just called, me, and said my mom's dead and that he killed her. I'm living in Camarillo now, but my mom lives in Simi Valley." He provided his mother's address as being 1189

⁷ Carnan's medical history contained numerous complaints regarding his vision that appeared to date from his time in the Army. He received numerous eye exams and glasses, but the vision problem never seemed to improve and was a basis for him dropping classes on multiple occasions. There appears to be some link between visual processing impairments and schizophrenia, (see e.g. S. Silverstein, B. Keane, R. Blake, A. Giersch, M. Green and S. Kéri *Vision in schizophrenia: why it matters* Front. Psychol., 05 February 2015 [http:// dx.doi.org/10.3389/fpsyg.2015.00041](http://dx.doi.org/10.3389/fpsyg.2015.00041)) but Carnan did not receive a diagnosis linking the two issues.

Mellow Lane in Simi Valley. He also reported that his brother was schizophrenic and had previously been arrested for threatening statements in the past.

Richard Carnan added more details about the telephone conversation he had with his brother saying, “Yeah, when I was talking to him. He said that she was dead in the bathroom. And he kept saying, ‘This is the end.’ And he wanted to know where her life insurance policy was. And I said, ‘I don’t know. Why do you ask? Why do you keep asking me?’”

Richard Carnan informed the 911 operator that his mother had guns in the house but that they should have been locked up in a safe that his brother should not have access to.

Richard Carnan informed the dispatcher that his brother had been in the military and had been discharged approximately five years before the incident due to mental health issues. He also provided his brother’s cell phone number⁸ and the house landline number.

B. DETECTIVE KEITH EISENHOUR INTERVIEWS⁹

Richard Carnan told Detective Keith Eisenhower that at about 4:40 p.m. on August 24, 2013, he received a phone call from his brother, Ryan Carnan. His brother asked about their mother’s life insurance policy. Richard Carnan asked why he was asking and his brother said, “This is the end,” “I did it,” and “I killed Mom. She’s dead in the bathroom.” Richard Carnan described his brother as “sounding like he was in one of those spells . . . when he’s not stable.” Richard Carnan asked his brother to put their mother on the phone and his brother began crying and sounded “really flustered.”

Richard Carnan again asked to speak to their mother and then Richard Carnan heard loud

⁸ Carnan had his cell phone on his person when he was killed. Several calls were made to Carnan’s cell phone during the incident but phone records indicate he did not answer the call.

⁹ Richard Carnan was interviewed on the night of the incident by Detective Eisenhower, with short follow-up interviews on August 27, 2013, and August 30, 2013.

sounds over the phone which he believed were gunshots. The phone line ended.

Richard Carnan then called 911.

Although Richard Carnan did not live in Simi Valley, he left his home in case his brother also came looking for him. He also told his fiancée to find a safe place away from their home. He continued speaking to 911 from his car and was informed that the police had arrived at his mother's house and that smoke was coming from the structure.

Richard Carnan then drove to Mellow Lane where he contacted the police.

Richard Carnan told Detective Eisenhour, "I'll be honest. I was not necessarily that surprised that this happened. It was one thing that was always in the back of my mind, it has always worried me that something like this would have happened." He explained his statement by providing some background on his brother. Richard Carnan told Detective Eisenhour that while Carnan was still in high school, he became rebellious and started using drugs and alcohol. Carnan became socially isolated and would stay in his room, playing video games for long periods of time. At the time, Richard Carnan was away at college, but the rest of the family directly witnessed this behavior.

When Carnan joined the Army, things seemed fine for a few years. Carnan was discharged in 2007 but he did not tell the family the basis for his discharge. They believed that he had been discharged for vision problems but later learned that, while in the Army, he had been diagnosed with schizopreniform, a precursor to schizophrenia.

His brother's life was "up and down" after that. He would behave normally for several months, followed by a few weeks of depression during which time his statements and actions were bizarre. He gave an example of a time when his brother smashed his

computer because he felt someone had planted listening devices in it. Richard Carnan believed that his brother was unpredictable during those “crazy times.”

Although Carnan was hospitalized several times, he would get released after a few days. The family was always frustrated because they believed he needed long-term hospitalization. Richard Carnan noted his brother would typically have his “crazy” spells close in time to when he was quitting something, like dropping out of school.¹⁰ He stated he wished he would have known his brother was preparing to drop out of college before the night of the murder.

Richard Carnan last spoke to his brother on August 6, 2013, at the Mellow Lane home and observed that his brother appeared to be in a “lethargic” state. Their mother asked Richard Carnan to convince his brother to come out of his room. Carnan reluctantly came out for a short while, then went back inside his room.

3. WENDY THOMPSON

Wendy Thompson lived on Mellow Lane. On August 24, 2013, Carnan fired shots at her as she rode her bicycle past his home. That evening, she was interviewed about the incident by Officer Jeff Takeda.

Ms. Thompson relayed she was riding her bike past 1189 Mellow Lane when she heard a gunshot. Ms. Thompson said, “I heard like, a shot. But I wasn’t too clear if it actually was a shot. Like it confused me, like what is that? And then I looked to my left because I was going up, and then I heard it again and I heard it again, so that was three. And I saw them like come -- he got really close to me.” She looked behind her and noticed a man

¹⁰ Carnan withdrew from all of his classes at Moorpark College on August 24, 2013, the day of the murder.

(Carnan) wearing glasses who was standing in the front doorway of 1189 Mellow Lane. She said Carnan was pointing what appeared to her to be a rifle “directly at me.”

She also saw a man outside another residence standing in his front yard who appeared confused by the shooting. For a moment, she continued riding her bike because she did not know what else to do. She then jumped off of her bicycle and ran toward a nearby residence. She knocked on the door but no one was home. She ran across the street to another residence and knocked on that door. The occupants of that home brought her inside and she called 911. She remained inside that home until police arrived.

4. SERGEANT ADAM DAROUGH

On August 28, 2013, Sergeant Adam Darough was interviewed by Simi Valley Police Sergeant Brill. Sergeant Darough was acting as the Field Supervisor on August 24, 2013. At approximately 4:44 p.m., he heard a dispatch call to check the welfare of a resident at 1189 Mellow Lane relating to a possible shooting. Two police units were dispatched to respond to the call, but he believed the call warranted a supervisor so he responded to the location as well.

While en route, he received information that someone was now shooting in the neighborhood of Mellow Lane. Based on this information, Sergeant Darough believed there was an “active shooter” situation.¹¹ He requested additional police units be dispatched and instructed the responding officers to equip themselves with rifles and helmets.

¹¹ “An Active Shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims. Active shooter situations are unpredictable and evolve quickly. Typically, the immediate deployment of law enforcement is required to stop the shooting and mitigate harm to victims.” *Active Shooter: How to Respond* U.S. Department of Homeland Security <http://www.dhs.gov/active-shooter-preparedness>

After their arrival, Sergeant Darough and Officers Ryan Brennan, Steven Philbrook, and Jeff Takeda made the initial approach to the 1189 Mellow Lane home. Other responding officers took positions to provide cover for the approaching officers. The approach team checked the front door, which they found was locked. They then moved up the driveway and into the backyard.

Sergeant Darough smelled smoke as they moved toward the backyard. When they reached the rear corner of the home, he was able to see smoke coming from the back windows and sliding glass door. Sergeant Darough notified dispatch that the home was on fire and they were still looking for shooting victims.

Sergeant Darough noticed the rear sliding glass door was slightly open. He opened the door and was quickly enveloped in thick, black smoke. To him, it appeared as though the entire interior of the home was on fire. At that moment, Sergeant Darough heard approximately six gunshots fired in their direction. The officers heard bullet strikes around their location.

Although the police officers were unable to identify a specific person shooting at them, they were able to determine that the shots were coming from the northwestern corner of the property. Sergeant Darough instructed all of the officers to find cover by crawling off of the deck and around the rear eastern corner of the home.

Once they reached the corner, another volley of shots was fired in their direction. Sergeant Darough was still unable to see who was shooting at them but believed the shooter had moved along the east property line in order to better target the group. Sergeant Darough notified dispatch that the officers were under fire. He requested a canine unit and a helicopter to assist with locating the shooter. He also requested that

SWAT respond. The officers maintained their position of cover but continued their attempts to locate the shooter. Sergeant Darough stated that they “were honestly expecting this guy to come up and engage us in a firefight.”

A short time later, Sergeant Darough heard dispatch announce that the suspect had driven a tractor downhill from the Mellow Lane residence toward Azure Hills Drive then crashed into a fence. The officers then re-entered the back yard, taking positions facing the rear of the yard in case the shooter returned. After doing so, Sergeant Darough heard a broadcast that officers on Azure Hills Drive could see the suspect. He then heard the sound of distant gunshots followed by a radio advisement that the suspect was down.

Upon hearing that the suspect was down, Sergeant Darough and Officer Takeda went to the rear sliding glass door in an attempt to locate any persons still in the home. Sergeant Darough looked inside but was unable to locate any victim from this position. The officers tried looking into the rear windows but the windows were blackened with soot. They opened the sliding door to the northernmost room, but that room was completely engulfed in fire, preventing them from entering.

At that time, the Fire Department arrived. Sergeant Darough and Officer Kevin Van Fleet provided cover as the firefighters entered the home. The firefighters were able to quickly extinguish the active fire but the house continued to smolder.

While inside the home, the firefighters noticed that large gasoline containers had been placed in rooms throughout the home, which posed a significant risk of explosion. For that reason, they exited the home and requested the assistance of the Bomb Squad to make the home safe. One of the firefighters told Sergeant Darough he had located the body of a deceased woman (Sally Carnan) lying partially in a hallway.

Sergeant Darough remained at the house to supervise the crime scene and coordinated with the Fire Department and Bomb Squad. He maintained control of the scene until it was turned over to the Major Crimes detectives.

5. RICHARD “NORM” TREVENA

On August 24, 2013, Richard Trevena called 911 after hearing the sound of gunfire and observing a person later identified as Carnan driving a tractor while holding a long black gun. He was interviewed by Simi Valley Police Detective Frank Ahlvers on August 25, 2013, and Simi Valley Police Detective Casey Nicholson on August 29, 2013.

On the evening of August 24, 2013, Mr. Trevena said his wife told him, “Either the horses are kicking or someone is shooting out there.” He went into his backyard to feed his horses when he heard four to five gunshots from somewhere behind his property.¹² He fed the horses and then called a neighbor to ask if one of their neighbors was possibly shooting at coyotes. He then walked out to the front of his residence and toward an access to the equestrian trails in the hills, taking his dog with him.

He passed a neighbor who was washing his truck, and walked to 577 Azure Hills Drive. As he reached that location, he saw a man later identified as Carnan, driving a tractor exit the equestrian trail and start driving toward him along the bridle path on Azure Hills Drive. Mr. Trevena described the man as a male, approximately 30 to 35 years old, with a round face and blondish hair, wearing eyeglasses. He had never seen the man before.

¹² The residence at 1189 Mellow Lane is approximately 1,800 feet from Mr. Trevena’s property. The two locations are separated by hilly, open space.

Carnan continued driving toward Mr. Trevena who asked Carnan, “Are you shooting up there?” Carnan did not respond to Mr. Trevena’s question, but rather, looked at Mr. Trevena with a glassy eyed stare and kept driving the tractor toward Mr. Trevena.

When Carnan reached Mr. Trevena’s location, Mr. Trevena again asked whether Carnan had been “shooting up there.” Carnan did not verbally respond to the second query. Instead, he raised “a long black gun” with at least an eight-inch barrel which he was holding in his right hand pointing toward the sky. Mr. Trevena had not seen the gun until Carnan raised it. Mr. Trevena considered Carnan’s actions to be a threat.

Mr. Trevena did not say anything else to Carnan, who continued driving past Mr. Trevena, west on the bridle path. Carnan was now driving in the direction which would pass in front of Mr. Trevena’s home. Mr. Trevena called his wife, telling her to stay in the house. He then called 911 to report that there was a man on a tractor on Azure Hills Drive, holding a gun.

Mr. Trevena noticed the neighbor who had been washing his truck was also on the phone. That neighbor told Mr. Trevena that Carnan had also pointed the gun at him, but Mr. Trevena did not witness this because he was dialing 911.

As the tractor continued up the hill, Mr. Trevena heard someone yell, “Drop the gun! Drop the gun!” but could not see who was yelling. He then heard a single gunshot and saw the tractor hit a tree.

6. OFFICER MICHAEL FOLEY

On August 25, 2013, Officer Michael Foley provided Sergeant Brill with a walk-through of the shooting scene. Officer Foley indicated that he and Officers Frank Mika and

Lincoln Purcell were assigned to the Special Operations Unit that day. He was wearing a modified police uniform which included a black T-shirt with silk-screen police badges and identifiers, and a tactical vest with "POLICE" patches on the front and back.

Officer Foley stated that on the evening of August 24, 2013, he and Officers Mika and Purcell had been at the police station completing follow-up investigative work on an unrelated case. He heard a radio call regarding a male reporting that his brother had killed their mother on Mellow Lane. He heard further radio traffic about the incident and it appeared to be escalating. Officer Foley explained, "The guy is apparently on a tractor, breaking through people's yards, shooting at people. We hear Sergeant Darough put out on the radio that there are shots being fired, people calling, saying shots are being fired."

Based on the apparent active shooter situation, Officers Foley, Mika, and Purcell decided to respond to the area to assist. Officer Foley described an "active shooter situation" as one which involves an armed suspect "who is actively seeking out individuals to shoot and kill them."

Officers Foley, Mika, and Purcell responded to the Azure Hills Drive area in a single car. As they drove up the street, Officer Foley noted a house with kids playing in the yard. He explained, "And the first thought that went through my head was, 'I'm not letting this guy get past me. If he's shooting at people on the street, there are four or five kids in this yard right here that are sitting ducks, basically.' So I had said to myself, 'I'm not letting this guy get past me to get to these kids.'" He believed that "if [Carnan] gets past us and he sees those kids in the yard, he's not going to hesitate to shoot and kill those kids."

Officer Foley said he was aware of the reports that Carnan had shot his mother, had taken numerous shots at Sergeant Darough and fellow officers, and that Carnan was now

driving through neighborhoods, actively shooting at people. Officer Foley concluded, “We know this is real, this is active, this guy is out looking to hurt people. So, we made the decision when we came up here that this guy is not getting past us.”

The three officers parked their car west of 526 Azure Hills Drive, near the crest in the road.¹³ They were unsure of the shooter’s exact location and did not want to be caught inside a car if they encountered the shooter. Officer Mika was armed with a shotgun, Officer Purcell was armed with a rifle, and Officer Foley had his handgun.

As they walked toward the crest, Officer Foley heard what he believed to be a tractor approaching their position from the west. Officer Foley said the three police officers crossed over a fence that separated the north sidewalk from the hillside in order to “get out of his line of sight, so that way you are not just walking down the middle of the street to see him.” Officer Foley was standing behind Officer Mika and Purcell.

Officer Foley then noticed the metal top of the tractor coming up over the hill. The tractor was driving eastbound on the southern bridle trail. Officer Foley alerted the other officers that the tractor was approaching.

Officer Foley observed that Carnan “was driving with his right hand on the steering wheel. He had his elbow cocked up and pointed up in the air with the pistol pointed up in the air and he was just looking, like he was scanning, looking for people, just looking back and forth, looking back and forth.”

¹³ There were no homes on the street between 526 Azure Hills Drive and 529 Azure Hills Drive, approximately one-tenth of a mile away.

Officer Mika loudly yelled, “Police! Drop the gun!” Officer Foley saw Carnan “scanning like he was looking for us and then he sees us over in this area and he starts to point the gun at us.” Officer Foley believed Carnan heard Officer Mika because Carnan “looked right at us, pointed the gun and turned the tractor towards us.”

As Carnan turned the tractor and pointed the gun at the three officers, Officer Mika fired one shot from his shotgun at Carnan. At almost the same time, Officer Purcell fired one shot from his rifle. Officer Foley did not fire his handgun because his position was behind the two other officers.

Although Carnan’s body jerked to his left, he continued driving towards them. Officers Mika and Purcell both fired a second shot. Officer Foley observed Carnan’s body slump over. The tractor continued moving until it struck a tree. Although the rear tires continued spinning, the tree prevented the tractor from moving forward.

The three officers maintained their position until a SWAT armored vehicle drove to their location and provided cover to approach Carnan’s location. When they reached the tractor, they observed that Carnan appeared to be deceased.

7. OFFICER FRANK MIKA

On August 25, 2013, Officer Frank Mika provided a walkthrough interview to Sergeant Brill. At the time of the incident, Officer Mika was assigned to the Special Operations Unit and wore a modified police uniform, which consisted of a T-shirt with police identifiers, and a tactical vest with patches bearing the words “POLICE” on the front and back.

On the evening of August 24, 2013, Officer Mika was at the police station with Officers Michael Foley and Lincoln Purcell. They were working on an unrelated case when Officer Mika heard a radio call about someone who had killed his mother. As he continued listening, he heard reports of shots fired at a bicyclist. Then, he heard Sergeant Darough reporting over the radio that shots had been fired at responding officers. Officer Mika noted Sergeant Darough sounded “more excited” when he reported shots being fired at the officers.

Based on the totality of the information, Officer Mika understood the active shooter situation “was very real.” He believed that “it’s not a question of **if** he’s (Carnan) going to shoot, it’s **when** he’s going to shoot.” [Emphasis added]

Officer Mika described an “active shooter situation” as a person who is without fear and who has decided to start shooting people. He explained that the situation does not stop until somebody forces the active shooter to stop. He believed that this incident was an active shooter situation because of the three separate shooting incidents in a close amount of time. Additionally, the active shooter was mobile in a tractor, crashing through fences, and moving from one location to another while armed with a gun.

Officer Mika drove Officers Foley and Purcell toward the scene. While driving, he heard over the radio that the suspect was heading toward Azure Hills Drive. He drove to that location and parked west of 526 Azure Hills Drive. He indicated that he chose this location because he “didn’t know exactly where the suspect was going to be. I didn’t want to just come over the rise and all of a sudden be confronted with the subject, um, where I’m still in the vehicle and unable to have my gun out and defend myself So I picked a location that was down around the curve.”

Officer Purcell armed himself with a rifle, and Officer Mika took the shotgun. Prior to arriving, Officer Mika stated that he saw numerous people in the streets, and noticed several kids in the rear yard of a residence. The children were clearly visible from the street and he was concerned for their safety. He yelled at them to get back in the house. He explained that Carnan, who had already shown a complete disregard for the safety of others, was now coming in their direction, armed with a gun. With the children being out in the yard, they were not protected and the potential for them to get hurt or killed was present.

Officer Mika heard over the radio that Carnan was actually coming up the street. Then he heard the sound of what he believed was a tractor approaching their position. He wanted to get an elevated position to gain some type of cover or concealment. He was also concerned about potential rounds striking a residence if they had to fire their weapons. The three officers climbed over a fence on the northern side of the street, and took a position a short distance up the hillside.

A few moments later, Officer Mika saw Carnan driving a tractor along a bridle trail which paralleled the southern side of the street. He took cover behind one of the fence posts and loudly yelled, "Police! Drop the gun!" Officer Mika was concerned that, by providing this warning, he was giving their position away.

When Officer Mika first noticed the gun Carnan was carrying, the barrel was pointed straight up in the air. After Officer Mika yelled at him, Carnan immediately started to look around and he observed Carnan stop and look straight in the officers' direction. Carnan then turned the tractor towards the officers while pointing his weapon directly at them. As Carnan turned toward the officers, Officer Mika stated he was afraid that

Carnan was “going to start shooting at us. Our lives are in danger and I know, hope to God that one of us is not hurt and that we all go home safe.”

Officer Mika fired one round from the shotgun which was immediately followed by Officer Purcell firing one round from the rifle. Officer Mika thought the first rounds missed Carnan because he continued coming right at them. Officer Mika and Officer Purcell then each fired a second shot at Carnan. Officer Mika believed he saw an impact on the left side of Carnan’s head, then Carnan’s body slump over. Officer Mika yelled, “He’s down, he’s down. Standby.” The tractor then collided with a tree.

At first, Officer Mika began moving toward Carnan but the other officers stopped him. The officers waited for a Simi Valley Police Department armored vehicle driven by Officer Greg Buchanan to arrive. They used the vehicle as cover to approach Carnan on the tractor. As they approached, they noticed that the tractor was still moving but Carnan’s body was slumped over. Officer Mika did not believe Carnan was still alive.

Officer Buchanan was able to turn off the tractor. A handgun was located on the floorboard of the tractor. The officers left Carnan’s gun where it had fallen so that it could be collected as evidence.

8. OFFICER LINCOLN PURCELL

On August 25, 2013, Officer Lincoln Purcell provided a walkthrough interview to Sergeant Brill. At the time of the incident, Officer Purcell was assigned to the Special Operations Unit. He wore a modified police uniform, which consisted of a T-shirt with police identifiers, and a tactical vest with patches bearing the words “POLICE” on the front and back.

Officer Purcell stated that, when the incident began, he was at the police station working with Officers Foley and Mika on an unrelated case. At one point, he heard a radio call in which a man was reporting his brother claimed to have shot their mother. Patrol officers were dispatched to that call.

While the patrol officers were en route, Officer Purcell heard dispatch advise the responding officers that a bicyclist just reported she was passing by that same location and a white male, either on the front porch or somewhere in the area, had repeatedly shot a gun at her. Officer Purcell also heard numerous phone calls coming into the dispatch center in the background. He then heard a dispatcher broadcast over the radio that “we have numerous RP’s [reporting parties] now saying that someone is shooting a gun in the neighborhood.” The nature and volume of calls convinced Officer Purcell that the situation was serious. Officers Purcell, Foley, and Mika decided to respond to the area to assist the other officers.

Officer Mika drove the three of them. While en route, Officer Purcell heard Sergeant Darough report that the house was on fire and “it looked like there was a female that was down somewhere near the entryway.”¹⁴ Officer Purcell then heard Officer Chris Haesy and Sergeant Darough report that someone was shooting at them and they could hear bullet ricochets impacting near them. Officer Purcell believed the suspect was now firing at police officers.

The broadcast identified the subject as “a white male . . . wearing a black shirt.” Officer Purcell then heard reports that the suspect was now driving a tractor which had broken through a gate. The suspect was heading down a pathway towards Azure Hills Drive.

¹⁴ Sergeant Darough broadcast that statement at 4:59 p.m.

The officers decided to drive directly to Azure Hills Drive in an attempt to locate the suspect.

Based on all the information he had received, Officer Purcell believed the incident was an “active shooter scenario.” Officer Purcell described, “[T]his guy’s probably killed somebody. Now you have officers saying hey, we hear shots being fired. This guy is actively shooting at people, then you have officers moments later saying we hear ricocheting bullets in our direction. He is shooting at us. So these are all things playing into my mind.” At the time, he was thinking the suspect “has zero regard for anybody, doesn’t care about his own neighbors, doesn’t care about random people coming by on bikes, doesn’t care about police officers. Either – again, I have no idea what his motive is but clearly he has indicated to me that he is willing to kill people and doesn’t care. These are all things that are playing through my mind as we pull up.”

When they arrived, Officer Purcell armed himself with a rifle, Officer Mika armed himself with a shotgun, and Officer Foley drew his handgun. Officers Foley and Mika put on helmets. Officer Purcell did not have a helmet. In order to prevent a crossfire situation with other responding officers, Officer Purcell broadcast their location over the radio and notified dispatch they were going to begin moving westbound along the street. Officers Purcell, Foley, and Mika then began moving westbound toward the suspect’s last reported position.

As they moved up the street, Officer Purcell could hear the sound of what he believed was a tractor. He told the others, “Hey, I think he is coming this way.” He believed that both he and Officer Mika then broadcast over the radio that, “We can hear the tractor. It sounds like he’s eastbound coming up the street towards us.” In order to gain cover and to provide a safe background in case they were forced to fire their weapons, the three

officers crossed over a fence and climbed a short distance up a hillside on the north side of the street.

A few moments later, Officer Purcell saw the top part of a tractor moving in their direction along a bridle trail which paralleled the south side of Azure Hills Drive. As the tractor continued moving towards them, Officer Purcell recalled the driver was “a white male, black shirt, matched the description, uh, driving and in his left hand he had what looked to be a black revolver type of gun.” The driver, later identified as Carnan, held the gun pointed up toward the sky. Based on the information provided by dispatch that the suspect was a white male wearing a black shirt armed with a handgun and driving a tractor, Officer Purcell was confident this individual was the same person who had shot at officers and the citizen on the bicycle. Officer Purcell saw that Carnan was looking straight ahead and did not appear to notice the officers on the opposite side of the street. Their police car was parked on the other side of a rise in the street and was not visible from Carnan’s location.

A few moments after the tractor appeared, Officer Mika shouted, “Stop! Drop the gun! Stop, Police!” When Officer Frank Mika yelled this order, Officer Purcell observed Carnan “who’s looking straight ahead prior to this, starts to look off and you can just see that he is now looking from, to, to basically find out where those voices are coming from. So as he’s doing this, he starts scanning kind of through this embankment. And I don’t know if he’s looking at me or Frank, ‘cause we’re pretty close to each other, but he looks right at us.” Officer Purcell further described Carnan’s “attention immediately went to the hillside where we’re standing. And he immediately began scanning the hillside. And it looked to me like he was looking for us. Like he was looking for the sound of those voices.” He believed Carnan saw them on the hill because Carnan was “scanning the hillside, um, and, again what specifically caught my attention was he definitely appeared

to be scanning and then just locked. Like he found us, saw us. He, he was looking and saw us and as soon as his head stopped swiveling and just looked right where we were, that's when he put the gun straight out," and pointed his weapon directly at the three officers.

Officer Purcell explained, "[I]t's a Saturday. People are home. I mean, again, you have multiple people calling which, again, indicates people are home. They're in their houses. They're in their front yards washing their cars. They're in their backyard playing. Just like this house right here. When we pulled up it seemed, as I recall, people were playing in the backyard, there were kids playing back there, and so I'm thinking as this guy's coming up the street, it, he can't get past us. This has to stop because if he gets past us, who knows, he's about to go into another neighborhood right here. He's already demonstrated that he will just shoot at random, shoot random people, shoot random things, you know it makes no difference to him." When Carnan pointed the gun at him, Officer Purcell perceived this act as a threat to his life.

Officer Mika fired one shot from his shotgun and Officer Purcell fired one shot from his rifle. Officer Purcell stated he fired at Carnan because he was concerned about the very real and immediate danger that Carnan posed to Officer Purcell, his fellow officers, and the nearby residents.

Carnan's body reacted to each of the officers' first shots. Officer Purcell observed Carnan "kind of tilted over and, as that happened, the tractor, which was originally going straight, turned and started going directly towards our location." Officer Purcell was afraid that Carnan "wanted to kill us. I mean, he had it in his mind. Obviously he's fired at other officers. He's fired, he's hurt somebody in his house. He's fired at citizens. Um, we have people down the street right over here. Uh, all these things were going through

my mind; that this has to be stopped. He's going to hurt more people or kill more people if he doesn't get stopped."

Officer Purcell and Officer Mika each fired a second shot at Carnan.¹⁵ Officer Mika then said something to the effect of "he's down." Officer Purcell moved his attention from his gun sights and looked at Carnan. He noticed that Carnan appeared to be bleeding from the head. The tractor then collided with a tree next to the bridle path which stopped the tractor's forward progress.

The tractor's rear wheels continued spinning, causing the tractor to bounce. Carnan's body was slumped over, but moved with the tractor's movement. Officer Purcell was too far away to determine whether Carnan's movement was voluntary or caused by the movement of the tractor. He was able to see that the gun was no longer in Carnan's left hand, but was unable to see Carnan's right hand. Officer Mika began moving toward Carnan, but Officer Purcell called him back.

A few moments later, Officer Greg Buchanan arrived at their location in a Simi Valley Police Department armored vehicle. The officers coordinated using the armored vehicle for cover as they approached Carnan. After arriving at the tractor and seeing Carnan's body, Officer Purcell believed Carnan was dead. The tractor was turned off.

9. OFFICER GREG BUCHANAN

On August 24, 2013, Officer Buchanan was working in the Simi Valley Police Department dispatch center. He heard a dispatcher receive a call reporting the caller's

¹⁵ Measurements at the scene indicate Carnan was approximately 175 feet away from the officers at the time of the second shot.

brother had killed their mother in the residence located at 1189 Mellow Lane. Police officers were dispatched to answer that call.

Officer Buchanan remained in the dispatch center and listened to the radio traffic as the first officers arrived at 1189 Mellow Lane. He heard the officers report that smoke was coming from the house and that the home appeared to be on fire. He then heard the responding officers report that someone was shooting at them. Officer Buchanan was directed to drive a Simi Valley Police Department armored vehicle to the location to provide assistance to the officers on scene.

As he drove toward the Mellow Lane address, he monitored the police radio traffic. He heard reports that the suspect had left Mellow Lane on a tractor and appeared to be heading toward Azure Hills Drive. He then heard reports that shots had been fired on Azure Hills Drive. For that reason, he changed directions and began driving to Azure Hills Drive.

When he arrived, he located Officers Purcell, Foley, and Mika standing on the northern side of the street with their weapons pointed west. He looked in that direction and noticed a male subject, later identified as Carnan, lying on the rear right fender of a small farm tractor that had apparently collided with a tree. Carnan was not moving but the tractor's wheels were spinning. The tree prevented the tractor from moving forward.

Officer Buchanan drove the armored vehicle toward Carnan's location with Officers Purcell, Foley, and Mika using the vehicle as cover. They determined that Carnan was

dead and no medical attention was needed.¹⁶ Officer Buchanan turned the tractor off and covered Carnan's body with a yellow first aid blanket.

III. PHYSICAL EVIDENCE

A. CRIME SCENE

1. 1189 Mellow Lane

Sally Carnan's body was located within the home of 1189 Mellow Lane. Her body lay face down in the entryway of a bathroom, with her legs extending into the hallway. A flattened copper jacketed bullet was found under her body, indicating it had been fired after she had fallen to the ground. A significant amount of blood spatter was on the bathroom walls, cabinet and door.

Three unexpended .44 caliber cartridges were located in the front entryway and two unexpended .44 caliber cartridges were located in the master bedroom. Three 50-count boxes of .44 caliber ammunition were located in a desk drawer in Carnan's bedroom. Six expended .44 caliber cartridges were located on Carnan's bedspread. A one-gallon gasoline container was on a shelf in his bedroom closet and numerous five-gallon gasoline containers were located throughout the home.

Investigators discovered several bullet strikes¹⁷ at the Mellow Lane home. Bullet strikes were observed on the rear of the home, and a flattened copper jacketed .44 caliber bullet was recovered from a gravel path in the backyard, near a bullet strike at the base of a built-in grill. Bullet strikes consistent with someone firing a weapon from the front porch were located on a post supporting the front porch overhang, and on vehicles parked in the driveway.

¹⁶ Carnan was officially pronounced dead by Simi Valley Police Sergeant Chris Johnson at 5:40 p.m.

¹⁷ A "bullet strike" is an impression or characteristic left on a substrate after a fired bullet makes impact.

2. Azure Hills Drive

Seven expended .44 caliber cartridges and one unexpended .44 caliber cartridge, all with the same head stamp as most of the other ammunition Carnan possessed, were located at different points on a trail in the open space hill area between 1189 Mellow Lane and 529 Azure Hills Drive.

An orange Kubota tractor was positioned partially on the bridle path on the south side of Azure Hills Drive. The right side of the tractor's front bucket was wedged against a tree. The ground around the rear tires had divots consistent with those tires having continued to spin while the tractor's forward progress was blocked by the tree. Tire tracks led from the rear of the tractor westbound down the bridle path, toward a fence east of 529 Azure Hills Drive.

Carnan's body was seated on the tractor but lay backward onto the right rear fender. Carnan was dressed in a black T-shirt, black shorts and flip-flop sandals. A pair of prescription eyeglasses were on the ground to the right rear of the tractor. A black Nokia cell phone was located in the left pocket of his shorts.

A Ruger Super Blackhawk .44 caliber six-shot revolver lay on the right floorboard behind Carnan's right foot.¹⁸ The handgun was loaded with six unexpended cartridges. Carnan was wearing a large fanny pack, which held 107 unexpended .44 caliber cartridges, five expended .44 caliber cartridges, a road flare, and two "Sham-Wow" drying cloths.

¹⁸ The handgun had been shipped to a gun store in Oxnard in 1965, before records of gun purchasers were kept, so there was no information regarding where the gun originated. The Carnan family had weapons in a gun safe, but neither Jennifer Stavros nor Richard Carnan believed that Ryan Carnan knew the combination. Neither Jennifer nor Richard recognized the handgun.

Two expended shotgun shells and two expended .223 cartridges were recovered from a hillside on the north side of Azure Hills Drive, approximately 165 feet from the tractor.

B. TOXICOLOGY REPORT

A blood sample was obtained from Carnan during his autopsy and tested by forensic scientists with the Ventura County Sheriff's Forensic Science Laboratory, as well as by an independent toxicology lab. At the time of his death, Carnan's blood alcohol level was .15 percent, and tested positive for the following medications: Diazepam (Valium), Nordiazepam (Nordaz), Oxazepam (Alebam), Temazepam (Restoril) and Zolpidem (Ambien).¹⁹

C. AUTOPSIES

On August 26, 2013, Dr. Ann L. Bucholtz, M.D., of the Ventura County Medical Examiner's Office, conducted an autopsy on Ryan Carnan's body. Dr. Bucholtz found that Carnan had sustained a total of four distinct gunshot wounds from a combination of .223 rounds and shotgun slugs.

Gunshot wound number 1²⁰ entered at the side of Carnan's left eyebrow, passed through his brain and exited at his left ear. Gunshot wound number 2 was a superficial injury to his chin, running right to left across his face. Gunshot wound number 3 was a superficial grazing wound of his left cheek, which had two distinct injuries where the bullet grazed across his face in an up to down direction. Gunshot wound number 4 was a grazing wound across his left shoulder, which travelled in a front to back direction.

¹⁹ Diazepam, Nordiazepam, Oxazepam and Temazepam are all benzodiazepines, which are central nervous system depressants. Similar to alcohol, Ambien is not a benzodiazepine but is also a central nervous system depressant.

²⁰ The numbering of the wounds was solely for identification and have no relation to the order in which the gunshot wounds occurred.

Dr. Bucholtz found that Carnan's cause of death was multiple gunshot wounds and ruled his death a homicide.²¹

On August 26, 2013, Dr. Bucholtz also conducted an autopsy on Sally Carnan's body. Dr. Bucholtz found that Ms. Carnan had died from multiple gunshot wounds and ruled her death a homicide. Dr. Bucholtz found that Ms. Carnan had been shot six times. Ballistic testing by forensic scientists with the Ventura County Sheriff's Forensic Science Laboratory confirmed that the bullets recovered from Ms. Carnan's body had been fired from the Ruger Super Blackhawk .44 caliber six-shot revolver possessed by Ryan Carnan and recovered from the tractor Carnan had been driving when he was killed.

IV. LEGAL PRINCIPLES

A. LAW OF HOMICIDE AND SELF-DEFENSE

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide encompasses murder and manslaughter, which are unlawful, and acts of excusable and justifiable homicide, which is lawful.

Homicide is justifiable when committed by any person "resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person." (Pen. Code § 197(1).)

CALCRIM 550 provides the specific jury instructions on the defense of self-defense, which provide that a person is not guilty of murder or manslaughter if 1) that person "reasonably believed that [the person] [or] someone else . . . was in imminent danger of being killed or suffering great bodily injury"; 2) that person "reasonably believed that the immediate use of deadly force was necessary to defend against that danger"; and 3) that

²¹ In the context of forensic pathology, the term "homicide" means a death at the hands of another.

person “used no more force than was reasonably necessary to defend against that danger.”

CALCRIM 550 further instructs that in deciding whether that person’s “beliefs were reasonable, consider all the circumstances as they were known to and appeared to [that person] and consider what a reasonable person in a similar situation with similar knowledge would have believed. If [that person]’s beliefs were reasonable, the danger does not need to have actually existed.” It also provides that “[a person] is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger has passed. This is so even if safety could have been achieved by retreating.”

A killing by a peace officer is justifiable when it was “necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty” or “when necessarily committed in arresting persons charged with [a] felony, and who are fleeing from justice or resisting such arrest.” (Pen. Code § 196.)

Police officers have a duty “to maintain peace and security” and “to protect citizens from harm.” (*Batts v. Superior Court* (1972) 23 Cal.App.3d 435, 438.) A police officer may use deadly force when the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. (*Graham v. Conner* (1989) 490 U.S. 386, 396-397.) Reasonableness includes “allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” (*Id.*)

Under the Fourth Amendment, police are “not required to use the least intrusive degree of force possible” but may use only such force as is objectively reasonable under the circumstances. (*Forrester v. City of San Diego*, (9th Cir. 1994), 25 F.3d 804, 807.) An officer’s use of deadly force is reasonable only if “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” (*Tennessee v. Garner*, (1985) 471 U.S. 1, 3.) Furthermore, “if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended.” *Plumhoff v. Rickard* (2014) ___ U.S. ___, 134 S.Ct. 2012, 2022.

“The test of reasonableness in this context is an objective one, viewed from the vantage of a reasonable officer on the scene. It is also highly deferential to the police officer’s need to protect himself and others.” (*Martinez v. County of L.A.* (1996), 47 Cal.App.4th 334, 343 (quoting *Graham* 490 U.S. at 396-397).) The reasonableness test requires careful attention to the facts and circumstances of each particular case, including: (1) “the severity of the crime at issue”; (2) “whether the suspect poses an immediate threat to the safety of the officers or others”; and (3) “whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.” (*Graham*, 490 U.S. at 396.)

B. RYAN CARNAN’S CRIMINAL CONDUCT

Ryan Carnan engaged in felony and misdemeanor criminal conduct immediately prior to the shooting. Had he survived, he could have been charged with the commission of the following crimes:

1. Murder in violation of Penal Code section 187
2. Attempted Murder in violation of Penal Code sections 664 and 187
3. Attempted Murder of a Peace Officer in violation of Penal Code sections 664(e) and 187

4. Arson of a dwelling in violation of Penal Code section 451
5. Assault with a firearm in violation of Penal Code 245(a)(2)
6. Assault on a Peace Officer with a Firearm in violation of Penal Code section 245(d)(1)
7. Assault on a Peace Officer in violation of Penal Code section 245(c)
8. Threatening an Executive Officer in violation of Penal Code section 69
9. Armed Criminal Action in violation of Penal Code section 25800
10. Brandishing a Firearm in violation of Penal Code section 417
11. Carrying a Loaded Firearm in a Public Place in violation of Penal Code section 417

V. ANALYSIS

On August 24, 2013, Ryan Carnan shot and killed his mother in the home they shared in Simi Valley. He called and told his brother about the killing. He then began shooting at people who were on the public streets and responding police officers, and brandishing his handgun at others. He was on a shooting spree, killing and shooting at both known and unknown persons. While Carnan's mental illness likely contributed to his actions on August 24, 2013, whatever his motivation, he unquestionably presented an imminent risk of death and great bodily injury to everyone in the neighborhood and all emergency personnel responding to the scene.

When Officers Foley, Mika, and Purcell took their position on the hillside of Azure Hills Drive, they were aware of reports regarding Carnan shooting his mother, shooting at a random passersby, and shooting at responding police officers. The officers each honestly and reasonably believed that Carnan was an active shooter, intending to shoot and kill any human target he encountered. Those beliefs were reasonable based on the officers' knowledge of the situation as it was unfolding, including the phone call to his brother that

he (Carnan) had just killed their mother and numerous reports of Carnan shooting indiscriminately at people in the neighborhood as he fled the scene in an open tractor. This information would have justified the officers shooting Carnan the moment they confirmed him to be the suspect who had committed these shootings.

Carnan had the option of ending his shooting spree by complying and surrendering when Officer Mika ordered Carnan to drop his weapon. Instead, he scanned for the officers' position and, when he had located them, pointed his gun directly at them. Officers Purcell and Mika were afraid Carnan was now attempting to harm them and their fellow officers. When Carnan pointed the gun at them, Officer Purcell described his own mindset as "I'm not going to let him kill me." Officers Purcell and Mika each fired one shot, and both shots superficially wounded Carnan.

Carnan had another opportunity to end the encounter by dropping his gun and surrendering after he was shot. Instead, he turned the tractor toward the officers and began driving at them. At that point, Officers Purcell and Mika each fired another shot. One of those shots fatally wounded Carnan.

Each time Officers Purcell and Mika shot Ryan Carnan, he posed "an immediate threat to the safety of the officers or others" and Officer Mika and Purcell used no more force than was reasonable to address that threat. Thus, they were fully justified in their use of deadly force.

VI. CONCLUSION

It is the conclusion of the District Attorney that:

1. When Officer Frank Mika fired his weapon at Ryan Carnan, Officer Mika honestly and reasonably believed that he, Officers Purcell and Foley, and the

- residents of Azure Hills Drive were in imminent threat of death or great bodily injury from Ryan Carnan;
2. When Officer Lincoln Purcell fired his weapon at Ryan Carnan, Officer Purcell honestly and reasonably believed that he, Officers Mika and Foley, and the residents of Azure Hills Drive were in imminent threat of death or great bodily injury from Ryan Carnan;
 3. When Officer Mika and Officer Purcell fired their weapons, they each honestly and reasonably believed that the immediate use of deadly force was necessary to defend themselves, Officer Foley and the residents of Azure Hills Drive against the danger posed to them by Ryan Carnan;
 4. Officer Mika and Officer Purcell used no more force than was reasonably necessary to defend against the apparent danger posed by Ryan Carnan; and
 5. The fatal shooting of Ryan Carnan by Officer Mika and Officer Purcell was a justifiable homicide.