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PRESS RELEASE

For Immediate Release

Date: April 6, 2018
Re: In custody death

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that, after a thorough review of all the relevant evidence concerning an in custody death that occurred on October 24, 2016, it has been determined that the officers acted lawfully and did not use excessive force.

A copy of the letter provided to the Modesto Police Department and Stanislaus County Sheriff's Office is attached to this press release.

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Whether the self-defense test, the accident test or the justifiable homicide test, it is clear that no one can be imputed with criminal conduct if their actions were reasonable. The Ninth Circuit has explained the standard for reasonableness, stating:

“The reasonableness inquiry is objective, without regard to the officer's good or bad motivations or intentions. We judge reasonableness “from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight” and allow 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.” [footnote omitted].

Billington v. Smith (2002) 292 F.3d 1177, 1184.

CONCLUSION

The Coroner reported that Schmidt died due to Cerebral Hypoxia and Acute Myocardial Infarct, better known as a heart attack that deprived his brain of oxygen. It is clear from witness statements and a review of the videos that Schmidt had exerted himself during his attempts to break into residences, jumping fences, during his attempt to escape and throughout his struggle with the officers and deputies. This is analogous to a situation where a suspect runs from the police and dies of a heart attack – the police are not at fault for the result.

Even if one were to assume that Schmidt’s death was a result of the force used by the officers and the deputies to restrain him, there would still be no criminal liability. The video shows no force that was excessive or contributed to his death. The officers were under a legal obligation to prevent Schmidt’s escape. He was clearly a danger to the residents. He was a danger to the police, attacking the probation officer and one of the MPD officers on scene.

The evidence leads me to the conclusion that the officers acted lawfully under the circumstances known to them on October 24, 2016. Schmidt had committed multiple felony offenses, violently resisted arrest and attempted to escape. The officers were justified in the actions they took, both individually and as a group. They did not use excessive force, as noted by third-party witnesses, and would have been remiss in their duties if they had allowed Schmidt to escape to continue his rampage through the neighborhood that night. Mr. Schmidt’s death, though unfortunate, was not caused by the officers and they bear no legal liability for it. This office now views the matter as closed.

Very truly yours,

BIRGIT FLADAGER
District Attorney



David P. Harris
Assistant District Attorney