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**PRESS RELEASE**

**For Immediate Release**

Date: February 16, 2012  
Re: Two Separate Officer-Involved  
Shootings Ruled Justified

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**Modesto, California** - Stanislaus County District Attorney Birgit Fladager announced today that, following a thorough review of all the evidence and an analysis of relevant case law, two officer-involved shootings have been determined to be legally justified.

In the first matter, Jesse Eugene Watson and a female companion attempted to burglarize a downtown Modesto business shortly after 11:00 pm on December 11, 2010. Police were dispatched to the location and located a truck matching the description provided by the witness which was just pulling away from the business. A traffic stop was attempted, but Watson refused to pull over. A high-speed pursuit followed with Watson driving in a highly reckless manner. At the intersection of McHenry and Patterson roads, Watson made a u-turn, drove towards the pursuing police cars, hitting one, and crashing into a citizen's car. Individuals in each of these cars were injured. Watson's car then struck a light post. Several officers then got out of their patrol cars and yelled for Watson to stop the truck. Instead, he put the truck in reverse, accelerated to the point of smoking the tires, and rammed it into another patrol car. Modesto Police Department Officers Robert Laxton, Matt McMahan, Eric Schuller and Felton Payne, who had all been involved in the pursuit, then discharged their firearms. Some of the officers were in the direct path of the truck. Watson was struck multiple times and died from his wounds; the female passenger was injured but survived.

A subsequent search of Watson, the passenger, and the truck revealed methamphetamine and syringes. On the floorboard of the driver's seat was a .22 caliber semi-automatic handgun and a spent shell casing. Additional spent shell casings were found in other parts of the truck. The gun had been stolen during a residential burglary in Nevada for which Watson was the suspect. Watson had a semi-auto handgun magazine for the gun in his pants pocket. When interviewed, the female passenger stated that Watson had said "he wasn't going back to jail." Toxicology results showed that Watson had a .20% blood alcohol level. He also tested positive for a high, potentially toxic, dose of methamphetamine, as well as amphetamine and methadone at the time of the shooting.

Where potential danger, emergency conditions, or other exigent circumstances exist, “ [t]he Supreme Court's definition of reasonableness is ... “comparatively generous to the police....” ’ [Citation.]” . “ ‘In effect, “the Supreme Court intends to surround the police who make these on-the-spot choices in dangerous situations with a fairly wide zone of protection in close cases....” [Citation.]’ ” A police officer's use of deadly force is reasonable 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.” [Citations.]’ [Citation.]” “ ‘Thus, “an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack.” ’ [Citation.]”

Brown v. Ransweiler, (2009) 171 Cal.App.4th 516, 527-528

The Ransweiler case is of significant importance for review here because it involved almost an identical fact pattern. In that case, officers attempted to arrest a known felon and he drove his vehicle at them. The officers opened fire killing the driver and stray rounds struck a bystander. Ransweiler found the officers to be immune from civil liability because they had been justified in the force they used to try and stop the driver of the car. In the instant case, civilian witnesses at the scene told the investigators that it was clear that Watson was trying to hit the officers with his truck. Another witness said there was nothing that the officers could have done differently since Watson was trying to ram them with the truck. These facts bring the shooting of Watson within all fours of the Ransweiler case. Since the officers’ use of force to stop Watson was legally justified, it is irrelevant whether the passenger was intentionally shot or accidentally shot.

The evidence leads to the conclusion that Officers Robert Laxton, Matt McMahon, Eric Schuller and Felton Payne acted in self-defense and the defense of others. It is undisputed from the facts that these officers were pursuing a felony suspect who had no regard for the safety, or lives, of others as he led them on a pursuit across the City of Modesto. Watson, after crashing his truck, refused to surrender and continued to use his truck as a weapon. The officers who were faced with these facts had no option but to stop Watson with deadly force. It is clear that, if these officers had not fired upon Watson’s truck, Watson would have continued a rampage which already had injured at least one officer and multiple civilians.

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In the second matter, Ricky Miranda was shot by an off-duty California Highway Patrol officer on March 19, 2011 in a Modesto neighborhood. An investigation into the circumstances leading up to this shooting revealed the following.

Stanislaus County Sheriff’s deputies were dispatched to a report of a suicidal man (Miranda) in Oakdale. He had been telling his friends that he wished he were dead and he told deputies that he wanted to kill himself and that “he wanted to force law enforcement to shoot him with a shotgun.” The deputies transported Miranda to Doctor’s Behavioral Health Center in Modesto where he suddenly became uncooperative. During a struggle, Miranda bit one of the deputies twice. He was evaluated by medical staff and kept on a “5150” hold due to his paranoid/delusional behavior. Miranda stated that he was going to be shot and killed that day. Miranda was moved to a more secure unit because of his volatility.

Later that day, another patient was being transferred into Miranda's unit and when the door was unlocked for the new patient, Miranda ran out. Staff members chased him, but Miranda was able to scale two fences and flee. At about 5:00 pm, Miranda was last seen running by staff towards Briggsmore Road where he was almost hit by a van. Other witnesses saw him running in and out of traffic. Miranda jumped in front of one car, the driver was unable to completely stop and she struck him. He got up, uninjured, and tried to get into her car so she drove away.

Miranda then crossed Briggsmore, swam across a canal and made his way into a neighborhood where he jumped a fence into a backyard. Residents of one home describe Miranda as trying to kick in their sliding glass door. They locked themselves in another room and called 911. Another witness described Miranda as being armed with a "knife," climbing a backyard fence and then crossing a street where he was later confronted by the off-duty officer. Miranda was moving from house to house. At one home, he began to bang on front windows. The homeowner watched as the window broke and Miranda picked up a large piece of glass and sliced his own neck. He then walked over to a car and smeared his blood on a window. The homeowner armed himself with a gun and had his son call 911. Miranda returned to the broken window and pried the screen off and began pulling on the window blinds. The resident yelled at Miranda to get away but he did not stop until the off-duty CHP officer, who had been alerted to the situation by a witness, began to yell at him.

Miranda then turned and started walking directly towards the officer. Miranda had items in his hands, including the large, broken piece of window glass that he had used to cut himself. Witnesses said that Miranda went straight for the off-duty officer and was saying incomprehensible things. As Miranda crossed the street, heading for the officer, the CHP officer gave commands to "get back" or "get down," and "drop the weapon." Witnesses heard the officer giving commands and saw him displaying his police badge. The officer backed away and Miranda continued to advance, a distance that was later measured to be approximately 55 feet.

Miranda continued to close the distance until he got close enough that the officer attempted to kick the glass out of Miranda's hand, but Miranda continued to advance and got so close that he deposited his own blood on the officer's shirt (in what appeared to be a handprint when examined later). The officer then fired his weapon and Miranda fell to the ground. Miranda did not survive his injuries. The second item in Miranda's hand was later determined to be pruning shears taken from one of the homes. An autopsy revealed that Miranda had multiple, serious self-inflicted cuts/slashes to his neck and that he was within 2 to 4 feet of the officer when the shots were fired.

Clearly under Penal Code §196 the CHP officer was acting in his law enforcement capacity. He exercised his authority, displayed his authority (his badge) and was attempting to stop Miranda from the crimes he was committing. It cannot be seriously doubted that any reasonable person would have been placed in fear based on Miranda's behavior. The officer was not required to retreat, but did so, yet Miranda still advanced on him while armed. Any reasonable person could have only come to one logical conclusion: that an armed person who refuses to stay away intends to do them harm. Therefore, the elements of §196 have been met.

Even if the off-duty CHP officer were deemed to have not been exercising his peace officer powers, he would still fall within the protection of §197. Courts describe it this way:

“For perfect self-defense, one must actually and reasonably believe in the necessity of defending oneself from imminent danger of death or great bodily injury. [citations] A killing committed in perfect self-defense is neither murder nor manslaughter; it is justifiable homicide.”

In re Lazor, (2009) 172 Cal.App.4th 1185, 1199

It is clear from the objective facts evinced by Miranda’s behavior that the officer reasonably believed he was in danger. For example, the homeowner who saw Miranda break out his window armed himself with a gun. The officer also retreated, backing away from Miranda over a significant distance, demonstrating that he actually feared Miranda. Therefore, the elements of §197 have also been met and the off-duty officer’s use of deadly force was legally justified.