OFFICE of the DISTRICT ATTOEY

INVESTIGATIONS DIVISION
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INCIDENT LOCATION:	Eastern Plumas District Hospital 500 First Avenue Portola California
POLICE REPORT:	Plumas Co. District Attorney case # DA13-014 Plumas Co. Sheriff's Office case # 2013010192
INCIDENT DATE: INCIDENT TIME:	October 20, 2013 Between 0101 hrs. and 0120 hrs.
DA: DA INVESTIGATOR:	David Hollister, Plumas County District Attorney Jeff Wilkinson, DA-1 Jessica Beatley, DA-2
INVOLVED AGENCY:	Plumas County Sheriff's Office
OFFICER INVOLVED:	Deputy Tom Klundby #203
INV. OFFICERS:	Inv. Jeff Wilkinson DA-1 Inv. Jessica Beatley DA-2 Sgt. Matt Beatley PCSO Inv. Sgt. Steve Peay PCSO Inv. Mike Smith PSCO Inv. Bill Elliott PCSO Inv. Jeremy Beatley PCSO
OFFICERS AT SCENE:	Sheriff Greg Hagwood PCSO Assistant Sheriff Gerry Hendricks PCSO Jail Commander Chad Hermann PCSO Deputy Mike Meisenheimer PCSO Deputy John Fatheree PCSO Reserve Deputy Steve Waasdorp PCSO Reserve Deputy Joe Blackwell PCSO
INV. AGENCY	Plumas Co. District Attorney's Office

ASSISTING AGENCIES:	Plumas County Sheriff's Office California Highway Patrol California Department of Justice

SUBJECT:	Mauro, Mariano Joseph
ADDRESS:	739 E. Sierra Ave. # 6, Portola Ca. 96122
RACE:	White
SEX:	Male
HEIGHT:	6'1" per DMV (listed at 72 inches in autopsy report)
WEIGHT:	250 (listed at 283 lbs. in autopsy report)
DOB:	5/30/60
CDL:	N8070607
CII:	A07050986
FBI:	155742RA1

SUBJECT'S CRIMINAL HISTORY/CONVICTIONS/CONTACTS: Mauro had previously been convicted of PC 451(B) Felony on 10/7/1992 in Monterey case # MCR8457; PC 273.5(a) Felony on 2/10/1999 in Monterey case # 982642; PC 12316(b)(1) Misdemeanor on 9/21/07 in Plumas County Superior Court case # 07-34699; and PC 415 Misdemeanor in Salinas case # 078860.

Mauro had previous arrests for PC 422 on 7/9/1997 in Seaside case # DR30460; PC 136(b) on 0716/1981 in Modesto case # 110166; PC 487 on 8/16/1982 in Marysville case # Y82-2638; PC 242 / 240 on 7/4/1992 in Mariposa case # MJ9200480; PC 273.5 / 417(a)(1) / 236 in Seaside case # DR 30460; PC 273.5 / 236 / 417(a)(1) on 11/24/1998 in Salinas case # 9815536.

PRIOR PLUMAS CO. S.O. CONTACTS WITH MAURO: Between August 26, 2007 and October 20, 2013 Mauro had 115 (one hundred fifteen) contacts with the Plumas County Sheriff's Office as listed in their CAD system.
Of these contacts Mauro was listed as follows:
Suspect- 20
Complainant-70
Victim- 24
Mentioned-1

In reviewing these calls for service, I saw that numerous listings of Mauro as a Complainant/Victim were for medical aids, welfare checks, and in one case, a search and rescue call.

The last two incident reports involving Mauro were the call from EPDH on 10/19/13 #2013010192 and the subsequent coroner's case #2013010193.

OFFICER'S SERVICE HISTORY: Deputy Klundby has served as a Deputy Sheriff for the Plumas County Sheriff's Office since appointed 12/19/10. Deputy Klundby attended the Butte County Basic Academy successfully completing the academy 6/9/11. Deputy Klundby received his P.O.S.T (Peace Officer's Standards and Training) basic certificate 4/17/13. Additionally Deputy Klundby attended and completed the Defensive Tactics Instructor's course 5/3/13, and the Baton and Impact Weapon Instructor's class 9/27/13.

Prior to Klundby's appointment to Deputy Sheriff, Klundby was employed by the Plumas County Sheriff's Office as a Correctional Officer. During that time Klundby attended the Basic Corrections Course which included PC 832 training (Arrest, Control, and Firearms)

Prior to employment with the Plumas County Sheriff's Office Klundby served four years in the United States Marine Corp. as an Infantryman. During that time Klundby was a machine gunner and received training in the use of various firearms in addition to training in M.C.M.A.P (Marine Corp. Martial Arts Program).

After the 9/11 attacks on the World Trade Center, Klundby joined the United States Army as a Combat Engineer and served in Operation Iraqi Freedom. While in the Army Klundby studied and practiced the Brazilian martial art of Jujitsu.

OFFICER'S WEAPON: Glock .45 Caliber Pistol

SUBJECT'S WEAPONS: Hands & Body, Officer's Taser, Officer's pistol, Officer's straight baton.

CAUSE OF DEATH: The autopsy of Mariano Mauro was performed by Medical Examiner Piotr Kubiczek on 10/21/2013 starting at approx. 0851 hrs. It was Dr. Kubiczek's opinion that the death of Mariano Mauro was due to multiple gunshots of the back. Also, in the toxicology report of Mauro, it states Mauro's peripheral blood was positive for diazepam, nordiazepam, and hydrocodone (refer to attached Washoe County Medical Examiner's report # 13-2768 PLU).

OFFICER TOXICOLOGY: On 10/22/2013 I contacted Lab Tech. Jeff Obenland at the Plumas District Hospital, in Quincy, California and seized 6 vials of blood samples taken from Deputy Klundby during the morning of 10/20/2013. The samples were sent to D.O.J. for analysis. A report authored by DOJ Criminalist Esmeraldo Gorecho on 11/25/13 indicated Klundby's blood sample contained 0.00% (W/V) alcohol.

SYNOPSIS AND TIMELINE: October 19, 2013 approximately 0800 hrs., Mariano Mauro arrived at Eastern Plumas District Hospital emergency room, Portola, California, complaining of chest pains.

Approx. 1101 hrs., Mauro was admitted into the hospital for observation and placed in room # 201.

Approx. 2000 hrs. Mauro's "girlfriend" Kristina Perkins entered the hospital to give Mauro his car keys. Mauro and Perkins got into an argument whereupon Mauro accused Perkins of stealing from him. Mauro then dumped out Perkins' purse and found a pack of cigarettes and lighter which Mauro said were his. Mauro kept the cigarettes, lighter and keys then Perkins left. After Perkins left Mauro constantly spoke on the phone.

Approx. 2030 hrs., Mauro began asking Nurse 1 for Valium as he could not sleep without it.

Approx. 2100 hrs., Nurse 1 gave Mauro the Valium, along with eight other medications, and Mauro appeared to calm down "a little."

Approx. 2200hrs., Mauro's room call light came on and Nurses Aid went to check on Mauro. Nurses Aid discovered that Mauro had cut his wrist and Nurses Aid told Nurse 1. Nurse 1 went

into Mauro's room and asked Mauro if he had cut himself with a knife; Mauro said "yes." Nurse 1 asked where the knife was and Mauro reached into his briefs and pulled out the key chain which had an approx. 2" knife attached. ER Doctor treated Mauro's cut and had Nurses Aid sit with Mauro as Mauro was now considered a danger to himself. Mauro told Nurses Aid he was not trying to kill himself but was trying to make his girlfriend feel bad. Nurse 1 spoke with "Pam" from mental health and it was decided she would respond to the hospital in the morning. Nurse 1 told "Pam" Mauro was staying the night and was being monitored so it was not necessary "Pam" respond that night.

October 20, 2013, approx. 0030 hrs., Mauro called Nurse 1 to his room and complained of the "worst headache of his life." Mauro requested a milligram of Dilaudid be put in his I.V. Nurse 1 told Mauro he would not be getting the Dilaudid but offered to provide him with Norco. Mauro refused the Norco and insisted on the Dilaudid. A few minutes later Nurses Aid came out of Mauro's room and told Nurse 1 Mauro was getting dressed and leaving the hospital. Nurse 1 told Mauro he could not leave the hospital until he was seen by Mental Health and had Nurse 2 call the Sheriff's Office.

Approx. 0059 hrs., Nurse 2 called the Sheriff's Office to report Mauro had barricaded himself in the room using chairs against the doors. Mauro then used his elbow to break out the window in the door. He then threw a pitcher of water and glass out the broken window at Nurse 1.

Approx. 0101 hrs., Deputy Klundby arrived at the hospital.

A short time later Sgt. M. Beatley heard Deputy Klundby call for 10-35 (Officer needs assistance) on the radio. A few seconds later Nurse 2 again called the Sheriff's Office and said that Deputy Klundby needed help. Nurse 2 said " they're fighting, he grabbed the stun gun, there's batons going, they're wrestling."

Approx. 0120 hrs. Deputy Klundby radioed "Shots fired" and several seconds later "suspect down."

Several minutes later Deputy Klundby radioed "doctor confirmed 11-44" (deceased person).

INVESTIGATION SUMMARY:

The scene was secured by personnel from the Plumas County Sheriff's Office and the California Highway Patrol. In reviewing the Crime Scene log the following personnel were on scene:
Sgt./Jail Commander Chad Hermann
Sgt. Matt Beatley
Deputy Mike Meisenheimer
Deputy Kris Frazier
Assistant Sheriff Gerry Hendricks
Sheriff Greg Hagwood
Detective Mike Smith
Detective Jeremy Beatley
Detective Bill Elliott
Detective Sgt. Steve Peay
District Attorney David Hollister

During the initial response, the hospital parking lot was secured by officers of the California Highway Patrol.

The scene was processed and documented by Department of Justice Criminalists Anna Brewer and Kirsten Wallace. The scene was documented using notes, sketches, measurements and digital photographs. Deputy Klundby's uniform and duty gear were provided to Wallace and Brewer by Detective Mike Smith. (Refer to D.O.J. case report #CH-13-000548-0001 attached)

Initial interviews were conducted by Detective Bill Elliott and Sgt. Steve Peay at the scene. Detective Elliott interviewed Nurses Aid, Nurse 2, and ER Doctor. Sgt. Peay interviewed Paramedic Kurt Duff, EMT Kelsi Carr and Nurse 1. (Refer to attached initial interview reports)

October 20, 2013 approx. 1330 hrs., I was notified of the incident by District Attorney David Hollister. DA Hollister advised that we would be meeting with Deputy Klundby and his attorney Chris Miller at Eastern Plumas District Hospital on October 21, 2013 at 1300 hrs. for a walk through of the scene. DA Hollister told me that the scene had already been processed by D.O.J.

October 21, 2013 approx. 1300 hrs. DA Hollister, PCSO Detective Bill Elliott and I met with Deputy Klundby and his attorney, Chris Miller, at Eastern Plumas District Hospital. We did a walkthrough of the scene with Deputy Klundby narrating the locations and sequence of events which occurred during his encounter with Mauro. Klundby's account of the incident was the same as he related in his interview, refer below.

STATEMENTS TAKEN: The following interviews were conducted and recorded by myself. (During Deputy Klundby's interview, Detective Elliott was present)

Klundby, Thomas (Deputy Sheriff)
[redacted]

October 21, 2013, after doing the scene walk through Deputy Klundby, Attorney Chris Miller, Detective Bill Elliott, and I met at the Plumas County Sheriff's Office Portola substation and I conducted an interview with Deputy Klundby.

I first asked Deputy Klundby to explain his service and training experience. (Refer to OFFICER'S SERVICE HISTORY)

I then asked Klundby to tell me what happened at the hospital. Klundby told me that he was on duty in full uniform and was in the Graeagle area when dispatch advised that a subject had barricaded himself in a room at Eastern Plumas District Hospital. Klundby told me that when he was about half way there, he was advised he needed to expedite because the subject Mariano Mauro had broken out a window and was throwing glass at the nurses.

Klundby said that he arrived at the hospital approx. at 0100 hrs. and was met at the back door by a female nurse. As Klundby entered the hospital, the nurse told him that Mauro had cut himself and since Mauro was "Hep C" Klundby needed to put on gloves. Klundby said he put on the gloves and then went to room #201 where Mauro was. On the way to the room the nurse explained that Mauro was angry and wanted more drugs, and that he had cut his wrists so he needed to be seen by Mental Health in the morning.

Once at the room, Klundby met with Nurse 1, then contacted Mauro, who was leaning against the door with his left arm out the broken window. He said Mauro was wrapped in a blanket and had shards of glass in his hand. Klundby said each time he approached the door and would ask Mauro what was going on, Mauro would "slash" at him. Klundby said he stayed back from the door and asked Mauro what was going on. Mauro said the female nurse stole his drugs, the male nurse wouldn't give him drugs, and that he (Klundby) had said Mauro was a drug dealer. Klundby told me that Mauro kept asking for tape to tape up his finger and the nurse told Mauro he was not getting any tape until he settled down.

Klundby said Mauro then began "flicking" blood in their direction. Klundby continued to tell Mauro he needed to calm down and that other units were on the way. Mauro then said "you've never rolled with someone like me," and "I'm outta here, I'm leaving and there ain't a damn thing you can do about it." Klundby advised Mauro he was under arrest and that he needed to go along with the program.

Klundby told me that Mauro took the wrapping off his arm, opened the door, and charged him. Klundby said he grabbed Mauro by the front of the shirt and threw him to the ground. He said Mauro went down to his hands and knees and Klundby jumped on his back, kneed him in the rear end, and Mauro went down on his stomach. Klundby told me he was trying to keep Mauro down by putting his weight on him but Mauro was "just doing pushups" with Klundby on his back. Klundby said since he couldn't hold Mauro down, he had tried to knock Mauro's arm out, but Mauro would just get back up. Klundby said Mauro made it up to his knees so Klundby took him to the ground again but could not get a hip press on him so Mauro was able to get up again. Klundby said he pushed Mauro in the chest and they went into the bathing room/area and Klundby fell on top of him. Klundby told me that when he fell on top of Mauro, Mauro was able to unholster Klundby's Taser, and pointed the Taser at Klundby's face. Klundby grabbed the Taser and turned it towards Mauro's face. Klundby said they were in a battle of strength over the Taser and he could see Mauro was trying to turn the safety switch. Klundby said at that point he pushed the Taser and broke it in half, which caused the battery to fall out. He said Mauro grabbed the battery and was attempting to put it back in the Taser. When Mauro realized the Taser was broken he said to Klundby "you son of a bitch" and they continued fighting. Klundby said he was able to get upright, while keeping a knee on Mauro, and attempted to request 10-35 (Officer needs assistance) on his radio. However, he did not know if the transmission had gone out.

Klundby said Mauro was able to get back to his feet and together they ended up by the Nurses' station. Klundby told me that since Mauro had already attempted to use Klundby's Taser and the sheer nature of the violence involved, he again threw Mauro to the ground. Klundby attempted to restrain Mauro but was unable to do so. Klundby said he was concerned for the safety of the surrounding nurses and any patients who might be housed in the long term care wing, which was in very close proximity, so he stood up, removed his straight baton and told Mauro that if he didn't get on the ground Klundby was going to hit him. Klundby said Mauro looked him straight in the eyes and said "go ahead." Klundby delivered a strike, as hard as he could, to Mauro's shin but nothing happened - no reaction from Mauro. At this point one of the nurses told Klundby that Mauro had pads on his shins and that the baton strikes would not be effective. Klundby said that Mauro moved toward the door leading from the nurse's station to the lobby, so Klundby grabbed him, they "busted" through the doors, and he landed on top of Mauro. Klundby told me he needed to get rid of the baton because it was a hindrance and he could not use both hands, so he threw it towards the doors they had just come through. Klundby said the door was closing so the baton bounced off the door and back towards them. Klundby told me that as he turned his

attention back toward Mauro he heard "what sounded like a cannon going off" - "a boom!" Klundby looked down and saw that Mauro had his hand on Klundby's gun and holster. Klundby said he reached down and trapped Mauro's hand. Klundby said he was trying to peel Mauro's hand off the gun and Mauro said "I'm gonna get you mother fucker."

Klundby said he was able to pull Mauro's hand off the gun and Klundby stood up and drew his duty weapon. Klundby said that since the baton had bounced off the closing door and was in proximity Mauro picked it up and was now facing Klundby holding the baton. Klundby said he pointed his weapon at Mauro and ordered Mauro to "put the baton down or I'm gonna shoot you." Klundby said Mauro just looked at him so he pulled the trigger and there was just a click. At that point Klundby realized that during the struggle Mauro had ejected the magazine from the weapon. Mauro then said "I fucked up your shit mother fucker." Klundby told me as he put another magazine in his weapon, Mauro started heading towards the door. Klundby said he went after Mauro catching up to him at the front exit door. Klundby told Mauro, "Mariano stop, put the baton down, get on your face or I'm gonna shoot you." Klundby said Mauro turned around and swung the baton, one armed, at his face missing him by approximately 8 inches. Klundby was able to back up and not be struck. He said as Mauro swung the baton, Mauro did a "180"(one hundred and eighty degree turn). Klundby was not sure if it was the momentum from the swing or if Mauro was just doing a "180" and heading out the door. Klundby said he fired three rounds from his duty weapon at Mauro and Mauro fell face down in between the two glass doors.

Klundby said he immediately put away his weapon and placed Mauro in handcuffs. Klundby told me he radioed "shots fired, suspect down," and that time got a reply on the radio. Klundby said he rolled Mauro into the recovery position and Klundby started yelling for help. He said approximately 4 seconds later Nurse 1 arrived. Klundby said Nurse 1 helped him roll Mauro over more and at that point a large amount of fluid came out of Mauro's mouth. A female nurse then came to the area and said they needed to call the ambulance as there was no way they could get Mauro on a gurney by themselves.

Klundby said that while the ambulance was en route, ER Doctor arrived and checked Mauro for signs of life. Finding none, ER Doctor said, "you can cancel the ambulance, he is gone."

I asked Klundby if he thought he should have done anything different and he said "no." I asked why he discharged his weapon. Klundby told me said he was in fear for his life, and afraid that because Mauro was so enraged, if he got away with the baton other people would be in danger. Klundby was also afraid that if Mauro was able to overpower him, others in the hospital would be in danger.

Klundby told me he has dealt with Mauro numerous times, while on duty (usually over someone stealing Mauro's marijuana) but has never seen Mauro in this frame of mind. He said Mauro is usually passive and easygoing. Klundby added that other deputies have dealt with Mauro, also - usually because Mauro loses his medications or is always trying to get medications. Klundby said Mauro's reputation is that he is very strong and when he gets mad he loses his mind and does not think straight.

I asked Klundby what type of holster he has and he said it is a single strap holster which only requires you to move the strap to get the weapon out. Detective Elliott added that if you are running and the strap is not in place, there is a chance the weapon could fall out.

Nurse 1 (Registered Nurse EPDH)

Nurse 1 told me that he got his nursing degree in 2010 and worked for a short time at Renown Hospital in Reno, Nevada, then came to work at EPDH approx. 2 years ago.

Nurse 1 told me that on the evening of October 19, 2013 he started his shift at 1845hrs. Nurse 1 told me that Mauro was already in his room when he started his shift. Nurse 1 said the day nurse apprised him of patients' statuses, including Mauro. Nurse 1 said Mauro's diagnosis was "chest pains, rule out M.I.," "patient in no pain, patient weak, patient needy," "patient eating a lot of food." Nurse 1 said he was informed at that time that Mauro had a history of violence but no problems that day.

Nurse 1 said his first contact with Mauro was approx. 1855 hrs. Nurse 1 said Mauro was in room #201, in bed, when he did his initial assessment. Nurse 1 described Mauro as "whiney" when Mauro was describing his long history of ailments focusing on his knees and his inability to walk. Nurse 1 said he completed the initial assessment and everything was "fine."

Nurse 1 said that at approx. 2000 hrs., Mauro was told he would not be getting his Valium. Mauro brought prescription valium along with numerous other medications when he arrived at the hospital. Mauro began complaining that he would not be able to sleep without the Valium. Nurse 1 said he contacted ER Doctor and ER Doctor changed his mind and decided to give Mauro the Valium so Nurse 1 told Mauro he would be getting the Valium. Nurse 1 told me that at about that time, Mauro's "girlfriend, a woman" arrived. Mauro said it was his girlfriend and she was there to deliver his keys. About ten minutes later Mauro and the "girlfriend" started screaming at each other so Nurse 1 went into the room and "broke it up." Nurse 1 said Mauro was still in bed and the woman was standing next to him. Nurse 1 said Mauro swore the woman was stealing from him, grabbed her purse and emptied the contents onto his bed. Nurse 1 said the contents of the purse were just "normal purse stuff," no weapons or medications. Nurse 1 said there were two packs of cigarettes and a lighter which Mauro said were his. Mauro took the cigarettes and lighter and refused to give them back. Nurse 1 said he put the remaining items back in the purse, gave the woman the purse, told her visiting hours were over, and the woman left.

Nurse 1 told me that after the woman left, Mauro became increasingly agitated and was on the phone incessantly for about the next hour to hour and a half. Nurse 1 said he had to make three attempts to give Mauro his medications because he was on the phone so much. Nurse 1 said about 2145 hrs. he was able to give Mauro the medications. Nurse 1 told me that about that time Mauro began complaining that his car had been stolen, that his car was supposed to be outside and it wasn't. Nurse 1 sent Nurses Aid out to look for Mauro's car but she was unable to locate it. Nurse 1 said this really "set him (Mauro) off." Nurse 1 said he went outside and located Mauro's car, then went back in and told Mauro his car was there. Mauro then calmed down. Nurse 1 said that approximately one half hour later, Mauro's room call light signaled and Nurses Aid went to check on him. Nurse 1 said Nurses Aid immediately came back out and said Mauro had cut his wrist. Nurse 1 said he went into Mauro's room and saw that Mauro had made a superficial cut on his wrist. He said after about 10 minutes one drop of blood formed on the cut so Nurse 1 put some Neosporin and a band aid on the cut. Nurse 1 asked Mauro how he cut himself and Mauro replied "with a knife." Nurse 1 asked where he got a knife and Mauro told

him there was a knife on his key ring. Nurse 1 asked where the knife was and Mauro pulled the key ring, with knife, out of his briefs and handed them over. Nurse 1 asked Mauro if he was trying to kill himself and Mauro said "no, he was trying to make his girlfriend feel bad." Nurse 1 said Mauro wanted them to call his girlfriend and tell her what he had done.

Nurse 1 said he notified ER Doctor, who came and checked Mauro and agreed the injury was superficial. Nurse 1 said Mauro again reiterated that he was not trying to kill himself, only make his girlfriend feel bad. Nurse 1 said he called Plumas County Mental Health and spoke with "Pam." Nurse 1 said he did not feel this was a legitimate suicide attempt, and that since there were only two patients and the fact that Nurses Aid could stay with Mauro for observation, he did not "press the point" for Mauro to be seen by Mental Health that night. Nurse 1 said "Pam" agreed to come out the next morning. Nurse 1 said that if he had requested "Pam" come out that night, she probably would have. Nurse 1 told "Pam" he thought it was just a theatrical event but that Mauro would need to be seen as per policy.

Nurse 1 told me that Nurses Aid sat with Mauro and, in spite of Mauro having enough medication to put him (Nurse 1) on a ventilator, Mauro became increasingly animated - speaking almost incessantly. Nurse 1 told me that with a normal person if they had the amount of medications Mauro had in him they would be "flat," and "incredibly wasted," but Mauro showed no signs of inebriation. Nurse 1 said Nurses Aid stayed with Mauro and he would occasionally relieve her. Nurses Aid reported that Mauro was telling really "whacky" stories to her, and saying a lot of strange, inappropriate things to Nurses Aid. Nurse 1 said Mauro was talking about assaults, weapons, and told him about Tia wrestling - where Mauro uses his elbows.

Nurse 1 told me that after about an hour, Mauro complained of a severe headache and demanded a milligram of Dilaudid in his IV. Nurse 1 said Mauro did not have an order for Dilaudid as he is on a pain contract - an agreement between Mauro and his primary care physician which limits the pain medications a patient can have. Mauro did have an order for 2/10/325 Norco. Nurse 1 said he talked to his supervisor, "Nurse 2," and asked if they should request the Dilaudid. Nurse 2 told him Mauro was on a pain contract, the doctor would not approve it and it wasn't a good medication for headaches. Nurse 1 said he told Mauro he could not have the Dilaudid but he could have the Norco. Mauro refused the Norco and said he needed the Dilaudid. Nurse 1 said he went back and told Nurse 2 that Mauro refused the Norco and they talked about it for several minutes.

After approximately five minutes, Nurses Aid came out of the room and said Mauro was leaving AMA (against medical advice). They called the doctor and told him Mauro was leaving AMA and the doctor said "let him go." Nurse 1 reminded the doctor of the wrist cutting incident and that Mauro needed to be seen by Mental Health. Doctor ER Doctor agreed and they decided to call the sheriff's office. They called the sheriff's office, which they did. Nurse 1 went back to Mauro's room and found the outer door (this is a negative pressure room so it has two doors) was blocked by two chairs but he was able to push the chairs enough to climb into the small hallway between the doors. Nurse 1 said he tried to get into the room but Mauro was blocking the second door with his body so he was unable to open the door. Nurse 1 said Mauro was putting on his clothes, bilateral knee braces, and a plastic knee pad while sitting on the floor blocking the door. Nurse 1 said at this point he had not told Mauro he couldn't leave but did tell him that the sheriffs were on the way. Nurse 1 told Mauro that if he was going to leave, he would have to pull his IV and Mauro said " I'll pull my own IV," "you don't need to come in here," "I just need to leave," and "get me my stuff."

At that point, Nurse 2 told Nurses Aid to go into the only other patient's room, close the door and stay in there, which she did.

Nurse 1 said he stayed by Mauro's door and told him they were getting him his stuff. At one point Mauro just looked at him through the door window, turned around, and then struck the window with his elbow - causing the window to break. Nurse 1 told Mauro "wow that was really uncool," and Mauro said it was an accident. Mauro then started punching the window, making a hole. He used his fingers and was able to remove some of the glass and was holding it in his hand. Nurse 1 said Mauro grabbed a pitcher of water that was in the room and threw it. The water came out the window, but the chicken wire (safety glass) stopped the pitcher. Mauro then finished dressing, came out and wanted his belongings. Nurse 1 gave him the bag with the belongings and his medications. Mauro asked if his keys were in the bag and Nurse 1 said "yes." Mauro then went back into the room and Nurse 1 went and told Nurse 2 what he had done. Nurse 2 advised Nurse 1 that the keys were not in the bag as they did not want him to have the keys with the knife attached. Nurse 1 went back to the room and apologized to Mauro, explaining the keys were not in the bag. Nurse 1 explained that they did not want to give Mauro the keys with the weapon attached. Mauro became calm and told them to just remove the knife and give him the keys. Nurse 1 said he removed the knife and, being afraid to get too close to Mauro, tossed Mauro the keys. Mauro then went back into the room. Nurse 1 told me he saw Mauro take a box of Kleenex and put it down the front of his shirt. Nurse 1 didn't' think this was strange as patients frequently take items ("everything that's not bolted down") from the hospital.

Nurse 1 told me that a few minutes later Deputy Klundby arrived. Klundby went to the door but was unable to open it due to Mauro barricading it. Klundby asked Mauro if he could come in and Mauro said "I just want to go home." Klundby told Mauro "that's not gonna happen, just let me in, let us talk." Klundby also told Mauro to put down the glass. Nurse 1 said this went on for approximately 5 minutes. Nurse 1 said, to his knowledge, prior to Mauro coming out of the room he never saw Mauro reach out the window and there had been no violence. Nurse 1 said that during this time Mauro did not "throw any blood at us." Mauro opened the door and Klundby said "don't try to go through me." Mauro responded "go ahead and use your stick." Mauro then "bull rushed" Klundby. Nurse 1 said Klundby stopped Mauro and they started fighting. Nurse 1 said Klundby was trying to subdue Mauro and he stood nearby to assist Klundby any way he could. Nurse 1 said he was not a fighter, so he didn't want to get into the fight as he would probably be more of a hindrance to Klundby and an asset for Mauro. Nurse 1 told me that during the struggle Klundby was trying to handcuff Mauro and that they would be down on the ground, struggle, get back up, and then back to the ground. Nurse 1 said they ended up in the shower room but he could not see what was happening. A piece of something then came flying out of the door. Nurse 1 said he did not see what happened with the Taser but told me to ask Nurse 2 as he thought she saw what happened.

Nurse 1 said he looked in the shower room and saw Klundby on top of Mauro but could not remember if Mauro was face up or face down. Nurse 1 also saw what he described as a "circuit board" lying on the floor near them. Nurse 1 did not hear anything said in the shower room and told me the only things he remembers being said were Klundby saying "knock it off, knock it off, you don't want to do this."

Nurse 1 told me that both Klundby and Mauro came out of the shower room standing and Klundby backed toward the nurses' station/ lobby door, drawing his baton. Mauro said "go ahead hit me, hit me right here," and Mauro pointed to his head. Nurse 1 said Klundby did not strike Mauro in the head but struck him in the knee. Nurse 1 heard the sound of the baton hitting

Mauro's brace and Nurse 1 said "that's not going to affect him he has on knee braces." Nurse 1 said Klundby "went for the collar bone," with a couple of high body strikes. Klundby and Mauro then moved to an area to the right of the nurses' station and Mauro again "charged" Klundby. Nurse 1 said Klundby was able to use what he described as an "Aikido" move and used Mauro's speed to roll him over his shoulder and onto the ground. Nurse 1 said Mauro stood back up and Klundby used his stick "a couple more times," striking Mauro's upper torso, below the head. Nurse 1 said at that time they were near the door to the long term care area.

Nurse 1 told me he was not sure exactly how Klundby and Mauro ended up through the lobby doors and on the carpet in the lobby hallway. Nurse 1 said these doors are always open and had been open the whole time. Nurse 1 said he stopped and asked Nurse 2 if there were more sheriffs coming, then went back to assist Klundby any way he could. Nurse 1 said he stood about six feet away from Klundby and Mauro. While they were wrestling on the floor, Mauro was on his back and Klundby was on top of him. During this time, Nurse 1 could not see their hands. Nurse 1 said they were there 4 or 5 seconds and that's when he heard the first shot. Nurse 1 said they had probably been in the hall wrestling a total of 15 to 20 seconds because he had gone back to the nurses' station then come back. Nurse 1 said he did no hear either Klundby or Mauro say anything and that they were just wrestling. Nurse 1 did not see where Klundby's baton was at this time.

Nurse 1 said after the first shot his first thought was "am I hit?" but he didn't feel anything. Nurse 1's second thought was "is Tom hit?" Nurse 1 said he called out to Klundby but got no response. Klundby continued wrestling unabated, so Nurse 1 felt he was not hit. Kia ran back to the nurses' station and he said he thought Nurse 2 was on the phone with the doctor and about him getting over there. Nurse 1 said he leaned over the counter and yelled into the phone "come over, shots fired." Kia told me the doctors have a house they stay in which is located just across the street "the call house."

Nurse 1 told me while he was at the counter, the hallway got quiet. Nurse 1 came back around the corner and saw a cartridge, a clip and a few other items on the ground which he thought were Klundby's belongings. Nurse 1 said it was quiet for approximately five seconds then he heard what he thought were three shots. Nurse 1 said it was quiet again so he slowly walked down the hallway and looked around the corner. When Nurse 1 looked around the corner he saw Mauro lying on the ground and Klundby standing up after handcuffing Mauro. Nurse 1 said they were in between the double doors (exit doors) and the doors had closed so he went in. Nurse 1 said Klundby looked "dazed" and "pale." Nurse 1 asked Klundby if he was ok, and Klundby said he was ok, "he just kept going for my gun," and "there was nothing I could do." Nurse 1 said Klundby then backed up to the wall and stood there. Nurse 1 again asked Klundby if he was ok and Klundby said yes. Nurse 1 checked Mauro's wrist and carotid for a pulse and found none. Nurse 1 told Klundby he needed to get some sterile wipes to get all the blood off of him because Mauro was "Hep C." Nurse 1 then realized that the door had closed and they were locked out of the hospital. The doors are double doors with push bar releases exiting the hospital but not going back in. Nurse 1 ran around to the employees' entrance, got some sterile wipes and went back to Klundby. Nurse 1 said when he got back Klundby was still standing there. Nurse 1 placed some magazines on the floor so the door wouldn't close again, then wiped the blood off Klundby's face and hands. I asked Nurse 1 how much blood Klundby had on him and Kia said, "not that much."

Nurse 1 told me he left Klundby and went to find ER Doctor. Nurse 1 found ER Doctor at the "call house." ER Doctor then came over to the hospital and they went back to where Klundby

and Mauro were and ER Doctor asked Klundby if he was ok. Klundby said he was bruised but ok. Nurse 1 asked Klundby if it was ok if he turned Mauro over for an inspection and Klundby said yes. Nurse 1 said they rolled Mauro over and ER Doctor pronounced him dead. Nurse 1 said he ran back into the hospital, found the clock and noted the time as 0120hrs. Nurse 1 said Nurse 2 came out and he told her that Mauro was dead. Nurse 2 gave him a sheet and he placed it over Mauro's body. Nurse 1 said he knew it was a crime scene so he did not step in anything or move anything without Klundby's permission.

Nurses Aid (Certified Nursing Assistant EPDH)

I spoke with Nurses Aid at EPDH in regards to this incident. Nurses Aid told me that she has been employed by EPDH for approximately 2 years.

Nurses Aid said she came on shift 10/19/13 at 1900hrs. Nurses Aid told me she was briefed by the prior shift , Meagan Remington, that Mauro was admitted for shortness of breath and that Mauro "seemed a bit mentally retarded". Nurses Aid said upon starting her shift she went into Mauro's room with the prior shift and Nurses Aid said it was obvious Mauro was "kind of off the wall." Nurses Aid told me that from the time she came on shift it seemed as though there was a lot of drama surrounding Mauro. There were numerous phone calls from his family and neighbors, and someone stealing his car so Mauro was getting really agitated. Nurses Aid said approximately 2100hrs. Mauro's girlfriend arrived and brought him his keys. Nurses Aid told me that when the girlfriend left she was really angry. She said that after the girlfriend left they felt Mauro would calm down.

Nurses Aid said at approximately 2130 hrs. Mauro's monitor was beeping so she went to his room. She saw his pulse was elevated and explained to him that was why the monitor was sounding. Nurses Aid said Mauro was kind of crying and was very emotional and showed her he had cut his wrist. Nurses Aid said she reported that to the nurse and ER Doctor came over and checked out Mauro. She also said they called Mental Health. Nurses Aid said at that point she was assigned "suicide watch" on Mauro. Nurses Aid told me at first Mauro said he wanted to end his life but after being seen by the doctor, Mauro told Nurses Aid he was just "trying to make a point with his girlfriend." Nurses Aid said she was in Mauro's room from approximately 2200hrs to 10/20/13 0100hrs. Nurses Aid said during that time Mauro was telling all kinds of weird stories about his life and made Nurses Aid feel uncomfortable. She said Mauro told her that his daughter had been raped when she was little by his wife's three brothers and that he had "spiked their drugs" with something and that's what killed them. Mauro started the conversation by saying "I killed my three brothers in law." Mauro also told Nurses Aid that he had fought with the cops lots of times, had broken out of handcuffs a couple of times and that he and his sons are really strong and can "take care of the cops." Mauro said that there had been a raccoon harassing his dog so Mauro punched it in the face and it died. Mauro also told Nurses Aid that he was mad at his girlfriend because she was "prostituting herself, and had put meth in his condoms." Mauro went on to tell Nurses Aid about his knife collection, his guns and that he had bullets that would penetrate a bullet-proof vest.

Nurses Aid said that while Mauro was talking with her he seemed to be distracted and calmer. Nurses Aid said that about every hour Mauro would request Dilaudid and that each time it was refused Mauro would become more agitated. Nurses Aid said it really didn't get out of control until about 0100hrs. when Mauro decided to leave. Nurses Aid said at about 0100hrs. Mauro

again requested the Dilaudid and Nurse 1 came in and told him "frankly" that he was not getting the Dilaudid. After Nurse 1 left the room Mauro said "I'm not staying here, I'm gonna go" and got up out of the bed. Nurses Aid left the room and told the nurses that Mauro was leaving. Nurses Aid said she was told to go back into the room and tell Mauro to wait so they could safely remove his IV. Nurses Aid went back to the room and relayed that message to Mauro. Mauro asked her if she could just take it out and she said no, as that was not in her scope of practice. Nurses Aid said Mauro got really irritated and started ripping off his gown, leads, IV and began to throw things around the room. Nurses Aid said she backed out of the room and motioned for Nurse 1 to come down to the room. She said that between the time she backed out of the room and Nurse 1's arrival, Mauro had barricaded himself in the room using a big heavy chair and another smaller chair to block the door. Nurses Aid she could hear Mauro yelling, grunting and cussing inside the room. Once barricaded inside, Mauro began banging his head on the door. Nurses Aid could hear Mauro saying he was going home, and if they wouldn't give him what he wanted he was going home. Nurse 1 told Mauro they were going to call for sheriff's deputies to respond and Mauro got really mad and said "go ahead and call the cops I can beat them up, I've done it before." Nurses Aid said it sounded like Mauro was just thrashing around in the room, but he was getting dressed. Nurses Aid said she backed out into the hallway and that's when Mauro broke out the window with his elbow, and started throwing glass out at Nurse 1. Nurses Aid said Nurse 2 called the sheriff's office, came back down to the room then they all (Nurse 1, Nurse 2 and Nurses Aid) went back to the nurses' station hoping Mauro would calm down. Nurses Aid said they all stayed at the nurses' station until Deputy Klundby arrived.

Nurses Aid said when Klundby arrived they all went down to Mauro's room. She said Klundby was trying to talk to Mauro and they waited in the hall. She said Mauro was pretty much unreasonable at that time and wouldn't come out of his room. Nurses Aid said Mauro finally came out of his room and tried to "attack" the deputy by jumping on him. Nurses Aid said Klundby "threw Mauro down to the ground, on his back," and Klundby was on top of him. She said Mauro "literally pushed him (Klundby) back up." Nurses Aid said Klundby and Mauro were wrestling on the floor in the bathing room and Nurse 2 told Nurses Aid to go sit with the other patient, in room #204. Nurses Aid said she went into room #204, closed the door, and started talking with the patient. Nurses Aid said after a few minutes she heard a shot, then, a short time later, more shots. Nurses Aid said she just stayed in room #204 with the patient and didn't see anything else that happened.

Nurse 2 (Acute ER Manager EPDH)

Nurse 2 told me on the evening of 10/19/2013 she was the emergency room nurse and came on shift at 1900 hrs. Nurse 2 said she knew Mauro was in the hospital that evening but she was the ER nurse and he was not her patient.

Nurse 2 told me that sometime between 2100 and 2200 hrs. Nurse 1 came into the emergency room and told her that Mauro's girlfriend had brought Mauro his keys and the key ring had a knife on it. Nurse 1 told her that Mauro had cut his wrist. Nurse 2 said they discussed the protocol and Nurse 1 called Mental Health.

Nurse 2 said she didn't hear much more about Mauro except that he was upset about his car and that Nurse 1 had gone out and found the car in the parking lot. After locating the car, they thought Mauro had calmed down. Nurse 2 said that approximately 0000 hrs., she went to the

floor and Nurse 1 told her that Mauro was requesting Dilaudid. Nurse 2 asked Nurse 1 what medications Mauro had been prescribed by the doctor and Nurse 1 said "Norco." Nurse 2 told Nurse 1 to try giving Mauro the Norco prior to waking up the doctor. Nurse 2 said Nurse 1 took the Norco into Mauro's room but Mauro refused it. She said Nurse 1 came out of the room and they were discussing what to do when Nurses Aid came out of the room and said Mauro was "getting upset," and was leaving. Nurse 2 said they could see, on Mauro's room camera, that he was getting dressed. She said they were not going to stop him but that they would call 9-1-1 because Mauro was on "close ops" for trying to hurt himself. Nurse 2 said she called the sheriff's office and explained the situation. Nurse 2 said that at that point Mauro had barricaded himself in the room.

Nurse 2 said Nurse 1 went down and talked with Mauro, telling him they would get his belongings and that Nurse 1 needed to remove Mauro's IV. Nurse 2 said she got all of Mauro's belongings, except the key ring with the knife, and put the belongings in a bag. Mauro told Nurse 1 to just take the knife off the key ring and give him the keys, which Nurse 1 did. Nurse 2 said Nurse 1 tossed Mauro the keys and Mauro barricaded himself back in the room. Nurse 2 said she went to unlock the ER door for the responding officer and when she got back to the nurses' station she heard the glass break. She ran back to the room and heard Nurse 1 telling Mauro that "accidents happen," "don't worry about it," and "let's just get you set." Nurse 2 said Mauro started grabbing handfuls of glass and throwing them at Nurse 1. Mauro then threw a pitcher of water at Nurse 1 so Nurse 2 told Nurse 1 to just back away from the room and just let him be.

Nurse 2 said she went back to the nurse's station and made the second call to the sheriff's office stating the patient had barricade himself in the room and was throwing glass and other things at the staff. Nurse 2 added she saw that Mauro's hand was bleeding at that point.

Nurse 2 told me that a short time later Klundby arrived and she let him in. Klundby put on gloves and Nurse 2 told him what had been going on. Nurse 2 said Klundby went to the "ante room" and positioned himself in front of Mauro's door. Nurse 2 said Mauro was still barricaded in the room and had a large shard of glass in his hand and was waving it around. She said Klundby was telling Mauro to put down the glass and that they needed to talk. Nurse 2 said Mauro was telling Klundby he just wanted to go home and Klundby told him that they would have to talk about that because Mauro had thrown the glass at the staff. She said Klundby and Mauro talked back and forth for several minutes. Nurse 2 then heard someone coming out of the long term facility so she went and told them to go back to the long term facility. Nurse 2 said when she got back to Mauro's room, she saw Mauro's arm protruding through the window and waving around. Mauro then brought his arm back inside the door and said "I'm not leaving, you can't make me leave." Nurse 2 said she heard on Klundby's radio that back up was on the way and all she heard of Klundby's reply was "expedite." She said this upset Mauro, but he and Klundby continued talking.

Nurse 2 said Klundby was in the "ante room," she was in the middle of the hallway, and Nurse 1 and Nurses Aid were off to the side. Nurse 2 said she had a clear view of the "ante room" and Mauro's door. She said Mauro threw open the door and charged Klundby like a "football tackle." She said Klundby was pushed backwards into the hall and once Klundby got his footing he threw Mauro to the side and they ended up wrestling on the floor. Nurse 2 told Nurses Aid to go in with the other patient, barricade the door, and don't come out until she told her to. Nurse 2 said Mauro was able to stand up and Klundby tackled him into the shower room. She said Klundby and Mauro were wrestling in the room and Nurse 1 was asking Klundby if there was anything he could do to help. Nurse 2 said she looked in the doorway and saw Klundby and Mauro "fighting

over the Taser." She said they were both kind of "tearing at it" and the Taser got broke. She said she could see Mauro kind of ripping at the wires, but could not see who was in control. Nurse 2 said part of the Taser got thrown out into the hallway and struck her in the foot. She told me that Klundby was on Mauro's back and Mauro was on his belly. At that point Klundby told Nurse 2 to get back on the phone as he needed more back-up. She said Mauro was able to push Klundby off his back. At that point Nurse 2 went to make the call. Nurse 2 told me she was surprised at how strong Mauro was because Klundby is big and Mauro just kind of did a push up with Klundby on his back.

Nurse 2 said she was at the nurses' station when she saw Klundby backing out of the room and towards the nurses' station with Mauro following. Klundby continued backing up until he got almost to the nurses' station. She said at that point Klundby stopped and had his baton out. Nurse 2 said Klundby told Mauro numerous times to stop but Mauro continued at him. Mauro started patting himself in the head telling Klundby to "hit me here." Nurse 2 said Mauro again lunged at Klundby and Klundby did some kind of "throw" causing Mauro to end up down near the wall by the door which leads from the nurses' station to the lobby. Klundby told Mauro numerous times to "stay down" but Mauro kept using the rail on the wall to get up. Nurse 2 said Klundby struck Mauro several times in the torso/ shoulder area but Mauro was able to get up. I asked Nurse 2 if Klundby had struck Mauro with the baton prior to this and she said Klundby had struck him three or four times in the knee area with no effect as Mauro had on braces and rubber boots. Nurse 2 said Mauro was able to stand back up and Klundby positioned himself with his back towards the admission/lobby area. She said Mauro again charged Klundby and they ended up in the hallway which leads to admissions. Nurse 2 said she saw them struggling in the hallway and she went back to the nurses' station. At that point, Nurse 1 was still looking down the hallway towards Mauro and Klundby when they heard the first shot go off. Nurse 1 came to the nurses' station and said he had seen the puff of smoke but did not know who had the gun. Nurse 2 said they called out to Klundby but they did not get any response. Nurse 2 said she went to open the back door for any more responding officers and about halfway down the back hall she heard what she thought were three more shots, "pop, pop, pop." She did not know who had the gun so she went back to the nurses' station to make sure Nurse 1 was okay and to get back on the phone. She said they both called out for Klundby but again got no response. Nurse 2 said Nurse 1 kind of "snuck" around the comer and slowly went down the hallway. She said Nurse 1 came back and said "man down" and "we need to get the doc here." Nurse 2 called ER Doctor and, while on the phone, Nurse 1 told her that it was Mauro who had been shot.

Nurse 2 said she and Nurse 1 went to where Klundby and Mauro were and she saw Mauro lying face down with his hands handcuffed behind his back. Nurse 2 said that while walking down the hallway towards the front door she saw a clip, notebook, and other items were strewn about the floor. As she did, Nurse 2 was thinking to herself "how was the gun fired if there was no clip in it." Nurse 2 said when she got to Klundby and Mauro, she saw Nurse 1 checking Mauro for a pulse and asked Klundby if he was "hit." Klundby said he was not sure and kept rubbing his right leg. Klundby said something to the effect of "he got a shot off at me" and kept rubbing his leg.

Nurse 2 said they were not sure where the other shots had gone so she left Nurse 1, Klundby, and Mauro, to go check on the other patient, as well as those in long term care. Nurse 2 said she returned and Nurse 1 was gone. We later learned the door had inadvertently closed, locking them out of the hospital. In this area there are two sets of double doors which open outward and they were in between them. She said Nurse 1 went to get the doctor and she again asked Klundby if he was okay. Klundby said "I don't know" but told her to care for Mauro. Nurse 2 said she

checked Mauro for a pulse, both in the wrist and neck, several times but found no pulse. Nurse 2 told me that as she was leaving the area to call the ambulance ER Doctor arrived. Nurse 2 left, called the ambulance personnel and, shortly thereafter, Nurse 1 came and told her that the doctor had pronounced Mauro dead.

I asked Nurse 2 if she had heard anything being said during the struggle in the lobby hallway and she said no.

CANVASS FOR ADDITIONAL WITNESSES OR VIDEO: There were no other witnesses present during the incident. I contacted Nursing Director Linda Jameson who advised that there are video monitors in the patient rooms and various locations in the hospital but none of the monitors have the capability to record video.

EVIDENCE REVIEWED: On 10/22/13 I viewed the scene and did a walk through with Deputy Klundby, his attorney Chris Miller, Detective Elliott, and DA David Hollister. At this time the scene had already been processed by DOJ, the scene had already been cleaned up, and the body of Mauro had been removed.

I reviewed Detective Mike Smith's supplemental report including his supplement on Mauro's autopsy. Detective Smith attended the autopsy, performed by pathologist Piotr Kubiczek at Washoe County Medical Examiner's Office on 1/21/2013.

I reviewed the photographs and videos captured by the Plumas County Sheriff's Office and DOJ.

I reviewed Mauro's medical records, including the records from 10/19/2013 and 10/20/2013.

I reviewed the audio taped interviews and supplements taken by the Plumas County Sheriff's Office.

I reviewed the photographs taken of Deputy Klundby, his uniform, safety equipment, and firearm.

I reviewed the Washoe County Medical Examiner's report # 13-2768 PLU.

After viewing the scene and photographs taken prior to my arrival I had some question as to how Mauro ended up between the two sets of exit doors after the shooting. DA Investigator Jessica Beatley and I met with Deputy Klundby and his attorney, Chris Miller, at EPDH, to have him clarify what had happened at the time of the shooting and immediately thereafter. Klundby told us that after the struggle in the lobby hallway Mauro had gone towards the exit door and out of Klundby's sight for a second. Klundby said that as he rounded the corner Mauro was standing near the exit door facing him with the baton raised in his left hand. Klundby estimated the distance at 3-4 feet. Klundby said he told Mauro to drop the baton and Mauro swung the baton at Klundby's head. Klundby said he was able to step back and to his right side one step while trying to keep the chair between himself and Mauro so as to avoid being hit by the baton. Klundby said the baton missed his head by approximately 8 inches. Klundby told us that, fearing for his own safety or anyone outside if Mauro got away with the baton, Klundby fired three shots at Mauro. Klundby said when Mauro swung the baton, Mauro spun around 180 degrees with his back toward Klundby. Klundby was not sure if it was Mauro's momentum or if Mauro was headed out the door which caused this 180 degree turn. Klundby said when the bullets struck Mauro, Mauro's momentum toward the door carried him through the first set of doors and Mauro landed

face down with his head near the second set of doors. These doors open outward and are opened via push bar. Klundby was not sure what part of Mauro's body hit the push bar but his weight carried him through to where he ended up.

I reviewed Sgt. Chad Hermann's report (Hermann was the first back up to arrive and contact Klundby). I noted in the supplement that Hermann had not mentioned Klundby saying Mauro had swung the baton at him, but that Klundby said he felt Mauro was going to assault him again. On 12/3/2013 I met with Sgt. Hermann in my office and asked him about what Klundby told him upon his arrival. Specifically, I asked if Klundby told him Mauro swung the baton at him. At first Sgt. Hermann said "no," then said "well he might have" and "I only talked to him for about 30 seconds because I was worried about where the rounds had gone and if anyone else might be hit." Hermann said it was his interpretation that Klundby felt Mauro was going to assault him.

OTHER RESOURCES REVIEWED: In preparing this report I reviewed the following articles concerning reaction times in lethal force encounters: "Why is the Suspect Shot in the Back?" (2000) by Bill Lewinski, Ph.D.; "Time to Start Shooting? Time to Stop Shooting? – The Tempe Study" (2003) by Dr. Bill Lewinski and Dr. Bill Hudson; and "New Developments in Understanding the Behavioral Science Factors in the 'Stop Shooting' Response" (2009) by William J. Lewinski, Ph.D. These articles/studies are attached and incorporated as part of my report. The observations and findings contained in these articles, by and large, are consistent with my training and experience as a law enforcement officer and provide further insight as to the location of the gunshot entry wounds on Mauro.

EVIDENCE COLLECTION / DEPT. OF JUSTICE REPORT: Within minutes of the shooting, Sgt. Hermann, Sgt. M. Beatley, Deputy Mike Meisenheimer and other members of the Sheriff's Office secured the incident scene using yellow crime scene tape. Upon the area being made safe, a hard (inclusive of the immediate scene and accessible only by authorization by the incident commander) and a soft (law enforcement may enter as needed) scene were set. Incident scene security was maintained until the arrival of Department of Justice criminalists.

10/20/2013 approx. 0615 hrs. D.O.J. Criminalists Kirsten Wallace and Anna Brewer arrived at EPDH and photographed the scene and collected evidence. They used a schematic of the hospital to document evidence items located and seized. (Refer to DOJ report CH-13-000548-0001 page 6 of 6 for details). Located during the evidence collection were a variety of items. These items included a Taser X26 (serial number X00-318544) from the hallway floor next to the Medical Records room, the battery and battery release button were missing and the left side of the handle was bent outward. There was apparent blood on the Taser. Approximately 8 feet 9 inches to 13 feet 7 inches from the doorway down the lobby hallway were many items on the carpet. Included in these items was a fired Winchester 45 auto cartridge case (DOJ 13), a magazine containing thirteen cartridges(DOJ15), a Dell flash drive (DOJ16), a black circular piece of foam (DOJ18), a metal pin from the back of a badge (DOJ19), pieces of a blue disposable glove (DOJ20), a small composition notebook (DOJ21) and a notebook (DOJ22). Also in this area, on the floor and on the wall, were apparent bloodstains (DOJ17).

There was a hole in the lobby hallway carpet approximately 8 feet 9 inches north of the doorway and approximately 19 ½ inches from the east wall of the hallway. It appeared to be a bullet hole and that the bullet had travelled at an angle under the carpet since the carpet bulged outwards. The carpet was cut out and the bullet path was observed in the wood floor. The wood was chiseled out and a fired bullet was recovered. The bullet was approximately 1 ½ inches deep in

the wood floor and had travelled approximately 4 inches south from the hole in the carpet. The bullet was collected (DOJ14).

North of the lobby hallway is the lobby/waiting area. On the floor in this area was a fired Winchester 45 Auto cartridge case (DOJ23). A fired Winchester 45 Auto cartridge case (DOJ24) was located on the floor under one of the couches, and another fired Winchester 45 Auto cartridge case (DOJ25) was found on the floor under one of the end tables. A fourth fired Winchester 45 Auto cartridge case (DOJ26) was found in a Kleenex box on the windowsill of the west wall.

South of the lobby/waiting area along the west wall were two glass doors that led to a breezeway. The breezeway was enclosed, and there were two more glass doors to the west that led outside and serve as the main entrance to the hospital. In the south east corner of the breezeway was a Plumas County Sheriff's Office badge (DOJ27). The badge was covered in blood and the pin on the back was missing. On the south side of the breezeway were a black baton (DOJ29) and a Sony recorder (DOJ28). The recorder was off, and there was apparent blood on it. (For further detail refer to attached DOJ Field Investigation Report ch-13-000548-0001).

Summary/Results of DOJ Physical Evidence examination Report (CH-13-000548-0002) performed by criminalist Anna Brewer was as follows: The five fired cartridge case (DOJ13, DOJ23-DOJ26) were identified as having been fired in Deputy Klundby's Glock pistol. No gunshot residue in the form of lead was detected on the filter paper of the outside back of the suspect's jacket. Lead residue was indicated in Deputy Klundby's gun holster. Apparent blood was detected on Deputy Klundby's black pants, left boot, duty shirt, long sleeve black shirt, gun holster, and Glock pistol. Apparent blood was also detected on the Taser battery, Taser, Plumas County Sheriff's Office badge, Sony recorder, and baton. (For further details on examinations performed refer to attached DOJ Physical Evidence Examination Report).

Dated: 27 January 2014

Report by _____/S/_____Supervising District Attorney's Investigator
Jeff Wilkinson DA 1