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NEWS RELEASE

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District Attorney Maggie Fleming has determined that no charges should be filed related to the December 18, 2014 shooting of Richard Estrada near Willow Creek. All available witness accounts as well as video from a California Highway Patrol car show that the CHP officer who shot Mr. Estrada acted in self-defense. District Attorney Fleming has contacted the family and advised them of her decision.

The following summarizes available information on the case:

At approximately 1:33 a.m., witnesses along Highway 299 near Blue Jay Lane east of Willow Creek heard a loud crash and shortly thereafter lost power. Through the window of her home, one witness saw a broken power pole and a blue car. The car then backed up and parked. From inside, the witness was unsure if the car had hit the pole. She called 911 at 1:34 a.m. That witness and other witnesses from the same household went outside to see if anyone was injured in the crash. The only person in the area was a male (later identified as Richard Estrada) walking near the blue car. They called out to him to see if he was injured and he stated he was OK. He then walked away as another car approached on Highway 299. When that car was within 50 - 100 feet of Mr. Estrada, the witnesses saw him throw something on the ground and heard the sound of glass breaking. Mr. Estrada moved out of the roadway as the car passed. One witness noticed a blue fender by the power pole and believed the blue car driven by Mr. Estrada had collided with the power pole. A second 911 call was made at 1:38 a.m.

At 1:41 a.m. California Highway Patrol Officer Timothy Gray was dispatched to the scene. This paragraph is based on Office Gray's description of the incident and law enforcement radio communications. Officer Gray was given the information that a power pole was down with a possible vehicle involved nearby. He arrived at approximately 2:04 a.m., and drove past the blue car to see if there were any other vehicles or damage. He made a U-turn, came back and parked near the blue car. Officer Gray requested that dispatch notify PG&E of the need for service and exited his vehicle. Mr. Estrada, who had been seated in the blue car when Officer Gray arrived, got out and Officer Gray contacted him near the driver's door of the blue car and asked him what had happened. Mr. Estrada replied that he had been in an accident and Officer Gray turned to look at the power pole. When the officer turned back he saw Mr. Estrada turn and then come at him swinging an object. The officer put up his left arm to block the attack, felt severe pain in that arm and was knocked backwards by the impact. Mr. Estrada continued to strike at the officer, hitting him repeatedly. With his back on the ground, Officer Gray kept his left arm and leg up in self-defense. Officer Gray pulled his duty weapon, and fired 11 shots. Mr. Estrada fell to the ground and Officer Gray got up and attempted to use his portable radio to request assistance but saw the radio's cord was cut. He ran to his patrol car and radioed for assistance at 2:06 a.m. He locked the doors to his vehicle because of his severe injuries and reported that he was losing his ability to see. He advised the dispatcher that he lost sight of Mr. Estrada but knew he was still moving

around and medical personnel should not exit their vehicle due to the danger. The officer next saw Mr. Estrada, who was now naked, moving near the blue car.

At 2:14 am, off-duty CHP Officer Eric Nelson received a call at his residence requesting his immediate response to assist Officer Gray. He was told the officer was injured and was locked inside his patrol car. Within minutes he was at the scene and as he approached he saw Mr. Estrada, naked and on the ground, with blood on his face. After he got out of his car he ordered Mr. Estrada to remain in place or he would shoot him. In response, Mr. Estrada said, "Shoot me devil." Officer Nelson ordered Mr. Estrada to cross his ankles and put his hands on the ground so he could restrain him in handcuffs. Mr. Estrada continued to move, sat up and repeatedly yelled, "F--- you devil!" Officer Nelson deployed his department issued taser because Mr. Estrada's constant movement would not allow Officer Nelson to take him into custody and provide medical aid. The taser did not affect Mr. Estrada's behavior, leading Officer Nelson to suspect that Mr. Estrada was under the influence of drugs.

People who lived near the scene came out to assist Officer Nelson and Mr. Estrada was handcuffed. Medical personnel were then able to begin the process of treating him, but Mr. Estrada began slamming his face into the asphalt. As he was lifted onto the gurney he showed signs of respiratory distress and suddenly stopped breathing. Medical personnel administered CPR from 2:33 to 3:01 am, but Mr. Estrada did not survive. Time of death was listed as 3:01 a.m.

The weapon Mr. Estrada used to attack Officer Gray was a machete with a 16" blade. Officer Gray's left forearm was broken, his face bore numerous slashes, as did his left forearm, and one finger was severed from his left hand. Officer Gray was transported by ambulance to Mad River Community Hospital; he was then flown to UC Davis Medical Center where he immediately went into surgery.

Accounts of the incident from witnesses coincided with those of the officers. The witness who first called 911 stated she saw Officer Gray arrive and make the U-turn to go back to where the blue car was parked. She described Officer Gray getting out of the patrol car and approaching the male in a casual way. Officer Gray was standing near Mr. Estrada when he suddenly charged the officer and swung a "bat thing" at him, causing him to fall to the ground. Mr. Estrada then got on top of Officer Gray and was beating him. She heard screaming, followed by the sound of gun shots. She went to another room in her home for safety and then later heard another vehicle arrive. She went back to the location where she could see the highway and heard the officer who had arrived (Officer Nelson) ordering the man to "stay down". She could see Mr. Estrada continuing to move and yelling, "Just f---'n shoot me!" Mr. Estrada moved toward Officer Nelson, who responded by deploying his taser. Other neighbors went outside and assisted Officer Nelson in handcuffing Mr. Estrada. When medical personnel attempted to provide medical attention to Mr. Estrada, he began banging his head on the asphalt. The witness said she believed that Mr. Estrada was trying to kill Officer Gray, and that Officer Gray would have been killed had he not fired his pistol.

Additional witnesses described the initial interaction between Officer Gray and Mr. Estrada as casual. Within 1-2 seconds after the initial contact, however, Mr. Estrada was suddenly swinging something at the officer who backed away. One additional witness saw Officer Gray fall to the ground where Mr. Estrada continued to attack him. Once Officer Gray was on the ground with Mr. Estrada on top of him, witnesses heard screaming and then the sound of gun shots.

The camera in Officer Gray's patrol car recorded much of the incident. Available video begins from the point Officer Gray began to drive his vehicle to the scene of the accident. He parked facing the blue car and the camera shows Mr. Estrada sit up and then exit the car. Officer Gray contacted Mr. Estrada and both are visible on camera. Although no audio is available, the video shows the two exchanging words and then Officer Gray looks off to his right towards the

power pole that was hit. As Officer Gray turns his face back towards Mr. Estrada, the video clearly shows Mr. Estrada bringing his right arm up and making a swinging motion down towards Officer Gray, who backs away rapidly. As Mr. Estrada brings his arm back up for a second swing the lights from the police car reveal that he is holding a large machete in his right hand. As he swings the second time he is chasing the officer and both have moved out of the camera's field of view. A few minutes later the officer can be heard inside the patrol car making radio calls for assistance. The video then shows Mr. Estrada getting back into the blue car.

Mr. Estrada can be seen drinking inside the blue car, then he leans back and is no longer visible. Several minutes later he exits the car naked and goes toward the rear of his vehicle. Mr. Estrada then lays down on the edge of the roadway and shortly thereafter a second patrol car arrives. The video shows Officer Nelson approaching Mr. Estrada, who rolls and moves his hand. Officer Nelson backs up and away from Mr. Estrada, who repeatedly rolls and moves his arms and legs. The video shows Officer Nelson's deployment of the taser and Mr. Estrada continually moving his arms. At that point two men (civilians) arrive to assist Officer Nelson, who then restrains Mr. Estrada in handcuffs. Medical personnel then arrive to provide medical aid.

Investigators contacted the Estrada family and learned that Mr. Estrada had suffered from mental illness and had used drugs prior to his death. His family had attempted to get him help on the evening of December 17, 2014, but Mr. Estrada left the family residence in the blue car. His sister and mother called 911 at approximately 8:51 p.m. to report that Estrada had used mushrooms in the past few days, was bi-polar, and had left the residence in the blue Sentra. CHP Dispatch transferred the call to Hoopa Valley Tribal Police Department dispatcher who also spoke with Mr. Estrada's mother. CHP contacted Officer Nelson at the Willow Creek Resident Post to relay this information at approximately 9:04 p.m. Mr. Estrada was not located or contacted by law enforcement until he collided with the power pole on Highway 299. Because Officer Gray was not on duty at the time the 911 call was broadcast, he was not aware of the call nor was the information from that call relayed to him when he was sent to the scene of the accident.

The pathologist who reviewed the toxicology screen of Mr. Estrada's blood reported that it showed elevated levels of cannabinoids (marijuana) and sub-therapeutic levels of lithium. The pathologist determined cause of death was multiple gunshot wounds.

The California Penal Code provides that a person has the right use deadly force when in imminent danger of being killed or suffering great bodily injury.

In this case Officer Gray fired his weapon after having already suffered multiple injuries from the deadly and unprovoked machete attack by Mr. Estrada. The officer's statement, those of eyewitnesses and the video from the patrol car all indicate that the attack by Mr. Estrada occurred within seconds of Officer Gray contacting him in response to the traffic collision. Multiple strikes by the machete inflicted great bodily injury on Officer Gray and Mr. Estrada was on top of him and continuing his assault when Officer Gray fired his weapon. No charges will be filed as the officer acted in self-defense.