

# **\* NEWS RELEASE \***

## **NO CHARGES FILED IN SHOOTING DEATH OF SUSPECT WHO STABBED WIFE TO DEATH**

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**FOR IMMEDIATE RELEASE**

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Monterey County District Attorney Dean D. Flippo announced today that no charges will be filed against the Marina police officer involved in the shooting death of Thomas A. Gendreau, Jr. on December 10, 2015. Relevant reasons for this conclusion include:

- Officers receive a high alert of a female being stabbed at a Marina residence.
- Officers respond code 3 and begin arriving within two minutes.
- Officers run to the front of the home, bang on the door several times, announcing: “Police Department -- come to the door!”
- Officers receive no response, though lights are on inside.
- From the 9-1-1 call, officers know they need to get inside the house because the victim’s life is in danger.
- A locked security door bars entry through the front.
- Searching for other ways to get inside, officers run toward the back of the house.
- There is a stabbing victim inside who is unable to come out. Officers do not know whether the male suspect is still inside.
- An officer at the front sees a male inside. He is heading toward officers at the back. A female inside is screaming, “Help, help me, back here, help me!”
- The officer calls out to the male and is ignored. The officer believes that the male is going to complete what he is doing and is going to kill the female.
- An officer in the back sees a male look through the blinds covering one of the windows. He draws his handgun and commands the male to let the officers in. The male responds, “No! Fuck you! Nobody is coming in!”
- The officer commands the male again: “Come outside and talk to us!” The male spurns the commands and turns away from the window.
- Officers hear a female scream “at the top of her lungs, as if someone is doing something to her.” The officers believe this could be a hostage situation.
- Officers see a screen door at the rear of the house fling open. The female is trying to flee. She has blood all over the front of her shirt.
- The male suddenly appears behind the female. He has a knife in his hand and is waving it around the female’s head. He grabs the female by her hair and pulls her back into the house.
- The female is screaming. The officers believe the male inside the house is now going to finish killing the female.

- The man is 6'7", still has the knife in his hand and is now one arm's-length away from the closest officer. The knife has a serrated edge.
- Edged weapons are deadly and can easily penetrate body armor.
- The officer believes the male is going to assault him with the knife, or is going to slam the door and lock him out so he can continue to stab the female.
- Fearing for his own life, the life of the screaming female inside and the lives of his fellow officers, the officer fires eight rounds at the male, killing him.
- Shots were fired until the immediate threat was no longer present.
- Gendreau was given ample opportunity to surrender. Instead, at gunpoint Gendreau defied officers' lawful commands, continued to hold his victim hostage, and suddenly appeared and blocked the doorway, wielding a knife within striking distance of an officer as his victim bled from multiple stab wounds.
- The officer fired in the reasonable belief that Gendreau threatened imminent death or great bodily injury to his female victim and/or the officer. Therefore, the officer acted in self-defense.
- Further, the officer had probable cause to believe Gendreau posed a future threat of death or great bodily injury to his female victim and/or the officer as Gendreau resisted arrest. The officer therefore had a legal right to use deadly force under California law and the United States Constitution.
- The officer's actions provided the victim with an opportunity to escape, thus enabling her to receive emergency aid with hope of saving her life. Tragically, she later died at the hospital resulting from Gendreau's homicidal attack.

The purpose of this review is not to advise concerning best practices for police in the field. The prosecution must prove to the jury beyond a reasonable doubt that the facts in this situation did not provide Officer Seth Morten a legal right to use deadly force. Based upon our thorough review of all of the evidence, no criminal charges against Officer Morten are contemplated or warranted.

For details, see the attached letter to Marina Police Chief Edmundo Rodriguez further explaining our analysis.