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**OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF MENDOCINO**

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**DISTRICT ATTORNEY DETERMINES FATAL OFFICERS-INVOLVED SHOOTING
OF SERIAL KILLER¹ OUTSIDE OF FORT BRAGG WAS LEGALLY JUSTIFIED**

The Mendocino County District Attorney's Office has completed its full and rather exhaustive review of the officers-involved fatal shooting of **Aaron James Bassler**, age 35, formerly of Fort Bragg. Senior members of the District Attorney's Office, primarily District Attorney David Eyster, have carefully reviewed the entire investigation relating to allegations of Bassler's criminal misconduct, law enforcement's response, and Bassler's ultimate demise on October 1, 2011 in the immediate presence of members of the Sacramento County SWAT team.²

As determined by the United States Supreme Court, the standard for review of any use of force during any manhunt is *objective reasonableness*. According to the U.S. Supreme Court, that reasonableness should be determined based upon a reasonable officer's assessment of four factors: (1) the nature of the crime at issue, (2) whether the suspect is an immediate threat to the safety of the officer or others, (3) whether the suspect is attempting to evade arrest through resistance or flight, and (4) the degree to which the situation is tense, uncertain and rapidly evolving. This last point acknowledges that officers must act with little time to analyze and consider circumstances, rather than with the luxury of 20-20 hindsight. (*Graham v. Connor*, 490 U.S. 386 (1989); *Tennessee v. Garner*, 471 U.S. 1 (1985).)

¹ The phrase "serial killer" is being used herein to characterize a series of two or more murders, committed as separate events with an intervening "cooling off" period by one offender acting alone. Serial murder is a relatively rare event, estimated to comprise less than one percent of all murders in the United States committed in any given year. According to the Federal Bureau of Investigations, "The topic of serial murder occupies a unique niche within the criminal justice community. In addition to the significant investigative challenges they bring to law enforcement, serial murder cases attract an over-abundance of attention from the media, mental health experts, academia, and the general public. While there has been significant, independent work conducted by a variety of experts to identify and analyze the many issues related to serial murder, there have been few efforts to reach a consensus between law enforcement and other experts regarding these matters."

² SWAT is a law enforcement acronym for **S**pecial **W**eapons and **T**actics. The special weapons and tactics concept originated in the late 1960s as a result of several sniping incidents against civilians and police officers that had occurred around the country.

Based on the combined investigatory efforts of all involved, when reviewed and evaluated under the mandates of applicable law, it is hereby the findings of the District Attorney that:

(1) The evidence is clear beyond a reasonable doubt that Aaron James Bassler murdered Matthew Roger Coleman on August 11, 2011 in cold blood while Bassler was trespassing on private property in Mendocino County;

(2) Between August 11, 2011 and August 27, 2011, the evidence is clear and convincing that at least one of Aaron James Bassler's immediate family members withheld critical information that would have reasonably warned and focused law enforcement -- prior to the death of Jere Lynn Melo and the attempted murder of Ian Philip Chaney -- that Bassler should be considered an armed and dangerous suspect in the murder of Matthew Roger Coleman;

(3) The evidence is clear beyond a reasonable doubt that Aaron James Bassler murdered Jere Lynn Melo on August 27, 2011 while lying in wait, in ambush and in cold blood while Bassler was trespassing on private timberlands in Mendocino County;

(4) The evidence is clear beyond a reasonable doubt that Aaron Bassler attempted to murder Ian Philip Chaney on August 27, 2011 by lying in wait, from ambush and in cold blood while Bassler was trespassing on private timberlands in Mendocino County;

(5) The evidence is clear beyond a reasonable doubt that Aaron James Bassler attempted to murder members of the Alameda County Sheriff's Department, who were assigned to and deployed in Mendocino County to provide mutual aid to the Mendocino County Sheriff's apprehension effort³;

(6) The evidence is clear beyond a reasonable doubt that the lethal use of force applied against Aaron James Bassler causing his death was objectively reasonable given the totality of the information known to law enforcement and objectively reasonable given the circumstances and information personally known and observed by the Sacramento County law enforcement officers assigned to and deployed in Mendocino County to provide mutual aid to the Mendocino County Sheriff's apprehension effort.⁴

³ The California Mutual Aid System is an extension of the concept of "neighbor helping neighbor." The Law Enforcement Mutual Aid System was established in 1961, and has been used to restore order during emergencies, including civil unrest and to provide assistance to local agencies during other unusual events. As a component of the Standardized Emergency Management System [SEMS], the Mutual Aid System is based on four organizational levels: cities, counties, regions and the State. (A county is an operational area along with its political Subdivisions.) The state is divided into seven Law Enforcement Mutual Aid Regions. The County Sheriff is a key role player within the system. Each sheriff serves as the Regional Mutual Aid Coordinator. The basic concept provides that within the operational area, adjacent or neighboring law enforcement agencies will assist each other. Should the event require assistance from outside the county, the region will provide requested assistance to the impacted county. If the combined resources of the region are insufficient to cope with the incident, the Regional Coordinator contacts the State Law Enforcement Mutual Aid Coordinator at Cal EMA.

⁴ As will be noted elsewhere herein, a separate non-lethal shooting incident occurred between Bassler and members of the Alameda County Sheriff's Department on September 29, 2011. Bassler fired on the Alameda

Synopsis

Murder of Matthew Roger Coleman

On August 11, 2011, **Matthew Roger Coleman**⁵, age 42, a former Fish and Game Department employee and current land manager for the Mendocino Land Trust, was found shot to death beside the driver's door and partially in his vehicle on private property in the area of Cape Vizcaino outside of Westport. Those who directly viewed the crime scene believed that Coleman had either tried to use the vehicle as cover or was trying to get into the vehicle to escape an attack.

Coleman had worked as a conservation steward, volunteer coordinator and wildlife population surveyor for the Mendocino Land Trust during the past six years. Coleman had been clearing brush near a 400-acre ranch owned by the Save the Redwoods League north of Westport in coastal Mendocino County. While some members of the local community and media immediately speculated that Coleman's death may have been the result of trespass activity by illegal marijuana cultivators, no evidence of marijuana cultivation was found at or near the crime scene.⁶ However, clues found at that crime scene and other evidence would ultimately identify Aaron James Bassler as the individual who murdered Coleman.

An autopsy performed on August 15, 2011 determined that Coleman had been shot in the lower abdomen and right upper arm, with the bullet traveling through the arm into the torso, wounds inflicted by what authorities believed to be a high-powered rifle. The cause of death was declared to be gunshots to right chest and right flank. At the crime scene, law enforcement investigators did not locate any shell casings that could later be used to trace back the casings by ballistics to a particular firearm. However, on August 18, 2011, a Search and Rescue Team member located a piece of aluminum foil in the crime scene that had been rolled up and fashioned to smoke marijuana.⁷ Burnt marijuana was still in the device. This item was found at a location where it was believed the person shooting at Coleman would have been positioned. A wad of foil from Hershey

County apprehension team with the same rifle recovered from him on October 1, 2011. The deputies returned fire, and a short time later, having circled on them, Bassler again fired at the Alameda County deputies from a different location. Bassler then escaped back into the cover of the woods.

⁵ No disrespect is intended to Mr. Coleman or his family by the use hereafter of just his surname.

⁶ A deputy who specialized in marijuana investigations flew the area on August 16, 2011 looking for possible marijuana gardens. None were located in or about the general area of the Coleman crime scene.

⁷ DNA testing by the California Department of Justice Laboratory in Redding concluded that the DNA extracted from the tin foil blunt or "joint" found at the Coleman murder scene came from Aaron James Bassler. Coleman was excluded as the source of the DNA. Additional DNA testing on feces found left on the victim's body was not conducted due to the poor quality of the sample. However, it has been concluded that Bassler deposited his diarrhetic feces on the deceased's remains post-mortem. It is believed by the prosecutor's office that this conduct by Bassler is indicative of some combination of an after-death demonstration of territorial or physical dominance, contempt of authority, and lack of remorse.

chocolate kisses was also located. These evidentiary items, along with DNA testing and witness statements, would eventually positively identify Aaron James Bassler as the individual who murdered Matthew Coleman.

During the course of the overall investigation it was determined on August 28, 2011 – the day after the murder of Jere Melo and the attempted murder of Ian Chaney – that Laura Brickey, the biological mother of Aaron Bassler, had driven her son north on Highway 1 on August 10, 2011 and eventually dropped him off before noon at the driveway designated as 44000 North Highway 1. This is the same roadway leading out to the scene where Mr. Coleman was found murdered. A planned trip, Bassler had gone shopping at the Safeway and Purity markets in Fort Bragg for food and other provisions. Investigators know his mother took him to Safeway to shop on August 8, 2011. In addition to items purchased at the two stores, the mother also belatedly disclosed that her son was armed with a rifle when she transported him to the Point Vizcaino area.⁸ She also said that this was not the first time that she had dropped Bassler off in this area.⁹ Approximately one month prior, the mother had dropped Bassler off across the highway from this same location. Bassler had told his mother that he had two camps in the Westport area.¹⁰

When asked to provide background on her son, the mother explained to investigators that she believed something was wrong with her son because he had anger fits and he was paranoid around people. The mother placed blame for these personality manifestations on a claim that Bassler had used “acid” and had experienced a bad trip.¹¹ When asked about her son’s Federal court-ordered

⁸ It has been documented in interviews that on Sunday, August 21, 2011 when Bassler’s father – James Bassler – heard directly from his former wife at a family barbeque that she had dropped their son off with a rifle near the Point Vizcaino crime scene near in time to Coleman’s death, he recommended that she call the Sheriff’s Office and report what she knew. Brickey later confirmed that James Bassler had indeed asked her at the BBQ to report what she knew to the police. She explained that she did not contact law enforcement because she did not know at that time where to find her son and she didn’t know for sure that her son had done anything wrong. In the final analysis, the mother did not believe her son was capable of murder so she did not want to be responsible for focusing law enforcement on him as a possible suspect, an unfortunate decision in hindsight.

⁹ Prior to August 28, 2011 there is no record that the mother had attempted to disclose important information to obviously interested law enforcement. The mother admitted, however, that she was aware of the timely media reports of the death of Coleman and the general location where it was reported Coleman had died.

¹⁰ In searching the entrance area at 44000 North Highway 1, investigators found a bucket hidden in the bushes near the unlocked gate that blocked that access road. While animals had apparently scattered the contents of the bucket, several top ramen noodle wrappers were found spread on the ground. A store receipt provided by the Safeway store in Fort Bragg documented that Bassler had purchased top ramen noodles on the 8th.

¹¹ Acid generally refers to lysergic acid diethylamide, abbreviated LSD or LSD-25, also known as lysergide, and is a semi-synthetic psychedelic drug of the ergoline family. Well-known for its psychological effects and impacts, LSD effects can include altered thinking processes, closed and open eye visuals, synaesthesia, an altered sense of time, and altered spiritual experiences. When taken, LSD induces other physical effects in addition to hallucinations: tremors, dilated pupils, a rise in body temperature, an increase in heart rate, increased blood pressure and a loss of sleep due to sleeplessness. Users can also experience “bad trips,” meaning terrifying thoughts or feelings, including fear of death, insanity or losing control of their lives or their bodies. Also reportedly common are flashbacks or hallucinations that occur long after taking the drug. These flashbacks can happen days, weeks, months or even years after you stop taking the drug, and they can include frightening thoughts, images or colors.

counseling flowing from a 2009 incident where he lobbed notes about aliens and stars into the Chinese Consulate in San Francisco, the mother told law enforcement that no diagnosis of mental illness resulted from her son's nine-month long interaction with mental health professionals in that matter. The mother noted that her son had recently taken up chewing tobacco. When her son smoked marijuana, the mother said he would use the aluminum foil off of the top of plastic bottles, though she further added that she didn't think her son would ever smoke marijuana in the form of a joint. When asked about her son and opium poppies, the mother said he had tried to grow poppies wherever she had lived. She believed he was trying to get opium out of the plants.¹² Finally, when her son had access to a television, the mother reported that he only watched English language stations broadcasting the daily news of China or weather channels. Meanwhile, the father reported to law enforcement his opinion that his son was a "paranoid schizophrenic" who thinks that everybody is following him. A friend of Bassler reported that Bassler, starting in early 2011, was becoming more radical about being able to survive any type of armed encounter with the federal government. Bassler talked with this friend about making bunkers and how Bassler considered himself a survivalist.¹³

Further, after the death of Jere Melo, the mother also provided some information as to her son's whereabouts before and after Coleman's death. It was disclosed that the mother received a telephone call from her son on or about August 18, 2011 at about 2 o'clock in the morning. She

These flashbacks most often happen to those who are using the drug on a regular basis, or who have a long history of LSD abuse.

¹²Opium is a highly addictive narcotic drug acquired in the dried latex form from the opium poppy (*Papaver somniferum*) seed pod. Traditionally the unripened pod is slit open and the sap seeps out and dries on the outer surface of the pod. The resulting yellow-brown latex, which is scraped off of the pod, is bitter in taste and contains varying amounts of alkaloids such as morphine, codeine, thebaine and papaverine. The duration of chemical effects of opium is about four hours. The drug produces relaxation, relief of pain and anxiety, decreased alertness, impaired coordination and serious problems with constipation. Repeated or chronic use produces tolerance to all the effects except constipation. Continued use may result in weight loss, mental deterioration and death. Some degree of withdrawal sickness may occur if the drug is discontinued.

¹³ Some have attempted to use the crimes and tragedies described herein as a lightning rod for sparking a public debate on mental health policies in Mendocino County, in particular as those policies may relate to a local interest of some to implement Laura's Law (see, California Welfare and Institutions Code §§5345-5349.5). Having reviewed the Laura's Law criteria and compared same against the facts and background of the person in question, the District Attorney hereby finds that Aaron James Bassler would not have qualified for Laura's Law intervention pursuant to then-existing eligibility criteria. On the general topic of mental illness, it also should not go unmentioned that the Chinese-made rifle used by Bassler to commit his crimes was recently given to him by a family member. It is patently unreasonable for a family, even a broken one, if they truly believe that their son suffers from any form of a significant mental illness, to allow anybody, let alone another family member, to give that mentally-ill son a lethal assault rifle. If that was being contemplated, it seems reasonable that aggressive intervention to prevent such gifting should have taken place. It is also noted that even hidden mental frailties are often revealed and manifested in jail settings where staff is trained to look for such things. Having reviewed all jail records applicable to Bassler, there are no notations by trained and vigilant jail staff suggesting any suspicion of mental illness. (See, also, footnote 19.) It is strongly believed that Bassler's situational mental instability was primarily driven by alcohol and/or illicit drug abuse, both of which the local criminal justice system attempted to address at various times.

told investigators that the son did not sound “screwed up” during the short call. The son told his mother not to call the Sheriff. He also wanted his father to be told that he had checked in so nobody would come looking for him.¹⁴ This call was traced back to a cell phone of young woman who, when eventually located, confirmed that she had loaned her cell phone to a man she later was able to identify as Bassler from a photograph. The man approached the woman who was sitting in her vehicle at the Ettersberg Road junction of Briceland Road. He told the woman that he had walked to the junction from Usal and was looking for the nearest telephone. The woman offered the man the use of her cell phone. After he finished his call, the man asked the woman where she was heading and if he could have a ride. She replied she was heading towards Whitethorn. She agreed to give the man a ride and eventually dropped him off at the Shelter Cove/Whitethorn junction. When specifically asked, the woman could not remember the man carrying anything with him. After being dropped off by the woman, the man was last seen walking briskly into the night in the direction of Shelter Cove.

Murder of Jere Lynn Melo

Attempted Murder of Ian Philip Chaney

As law enforcement’s investigation into the death of Matthew Coleman continued without having been able to identify a viable suspect or suspects, a private citizen, Ian Philip Chaney¹⁵, age 31, made contact on August 23, 2011 with **Jere Lynn Melo**¹⁶, age 69, to report a bunker-type camp that Chaney had stumbled across on Hawthorne Timber property, private property timber lands that Melo helped manage and provide security.¹⁷ Melo, in turn, contacted Deputy Jonathan Martin of the Mendocino County Sheriff’s Office to pass on this information and to also make inquiry about an “Aaron,” the person who Melo had been told was probably responsible for the bunker.¹⁸ Deputy

¹⁴ Bassler and his mother had an agreement that she would report him missing to the Sheriff’s Office if he ever failed to check in with her within a week of his being gone from the immediate Fort Bragg area.

¹⁵ No disrespect is intended to Mr. Chaney or his family by the use hereafter of just his surname.

¹⁶ No disrespect is intended to Mr. Melo or his family by the use hereafter of just his surname.

¹⁷ Melo was a well-known Fort Bragg resident, having worked and served as a long-time forester, and land manager. He was the former mayor of Fort Bragg, community activist, and sports enthusiast. At the time of his death, Melo was a current member of the Fort Bragg City Council.

¹⁸ Melo’s August 23, 2011 email to the MCSO Deputy Martin reads, as follows: “This morning I took a report from Ian Cheney [sic], a local who is married to a Balassi, and who is concerned about a bunker-type camp he observed on Hawthorne Timber Company property in the lower Noyo River area. I am asking for some guidance or information about the person who is the apparent grower. Mr. Cheney identified the person as a young man whose first name is Aaron, last name unknown. He is apparently an eccentric person. His mother is [Betty S.][DA note: Melo was mistaken about the familial association to the gunman of the woman he named; Bassler’s biological mother is correctly named on page 4 of this report] who lives on Sherwood Road, just about on top of the Skunk Railroad tunnel. Aaron apparently lives across Sherwood Road in a tile red (color only, no tiles) house, when he is around. Aaron is the person who ran his dark Toyota pickup into the tennis court fence at the Middle School a few months ago. Hopefully, that gives enough information for a positive identification. Mr. Cheney has seen Aaron on the Balassi property several times this year. He describes Aaron as a tall, young man who sports a

Martin responded by email to Melo that the Aaron in question was Aaron Bassler and that Bassler has been arrested for under the influence of controlled substances and that Bassler is “against law enforcement.”¹⁹ On August 25, 2011, Melo reported to Deputy Martin that he had attempted to locate the camp on August 24, 2011 but had been unsuccessful.²⁰ Deputy Martin responded by informing Melo that Bassler was not currently in custody. Unfortunately, neither Deputy Martin nor any other member of the Sheriff’s Office was aware that Bassler had been in the Cape Vizcaino area when Coleman was murdered. Thus, no additional crime-specific warning of caution was provided to Melo.

On August 27, 2011, Melo and Chaney met so Chaney could lead Melo to the site of the bunker-type camp. As they got in the general area, the men found a water line that was now camouflaged

skin head and dresses in dark clothing. Mr. Cheney has seen Aaron carrying potting soil and fertilizer bags across the Balassi property onto Hawthorne Timber Company property where he claims to have observed a “bunker” dug into the ground and surrounded by barbed wire. The Balassi family hears chain saws working at night. Mr. Cheney observed lots of cleared areas around the bunker. He told me that a fire had started in the area. He saw red poppies growing in the area. He did not stay around long enough to look for more, as Aaron is known to be a bit unstable. I reviewed the Hawthorne map this morning with Mr. Cheney, and my best estimate is that the site is near N 39 degrees 25.9 minutes and W 123 degrees 44.1 minutes. For a legal description, it is located in the E ½ of the SE ¼ of Section 10 T18N R17W, above a mid-slope road. It is my plan to walk the area from South Fork on the Skunk Railroad tomorrow morning to get a better location. I will appreciate any information you might provide. Thank you. Jere”

¹⁹ As an aside, when Bassler was arrested by the Fort Bragg Police Department on September 13, 2010 for public intoxication and transported to jail, he requested during the jail screening process (while intoxicated) that he not be housed with other inmates. The reason he gave for this request was that he was a former police cadet. As with all his other bookings at the local jail, he was not perceived as an inmate needing to be referred to Jail Mental Health for evaluation. When Bassler was back in jail in March 2011 following his DUI and resisting arrest, he again requested during the screening process (while intoxicated) that he be housed separate from other inmates. However, in the morning after he had sobered up, Bassler told jail staff that he had no problem being housed in a shared housing unit, which is where he was ultimately housed without incident. Again, during this last screening process and thereafter, Bassler was not determined to be an inmate who needed to be referred to Jail Mental Health for further evaluation.

²⁰ Melo’s August 25, 2011 email to the MCSO Deputy Martin reads, as follows: “Jon: Thank you. Is he in custody now? I walked for six hours yesterday on the Hawthorne logging roads, overgrown for sure, and found nothing. I have an appointment at 8:00 AM, Saturday, to meet with Ian Cheney [sic] to get a better location. (It also occurs to me that this may be our guy in the Scout Camp incidents.) Jere.” Melo’s “Scout Camp incidents” comment refers to burglaries that had been reported as having happened at the Boy Scout camp on the Noyo River between June 23, 2011 and June 28, 2011. The camp is surrounded by Hawthorne Timber property. A person or persons unknown had broken into buildings and stolen bedding items, small hand tools, food, alcohol, other items commonly used when camping. One of the breached padlocks had been shot off one building by a high-powered rifle. Deputy Martin told Melo about this incident and Melo, with the help of camp staff, later located the majority of the stolen items hidden under brush on a trail near the camp. A brown sleeping bag, folding chair, and other small items, however, were not recovered. The same day that Melo helped recover some of the stolen property from the brush, a man, identified only as a skinhead wearing camouflaged clothing and carrying an AK-47 rifle, was seen by railroad personnel walking on the railroad tracks within a quarter mile of the Boy Scout camp. In turn, Melo advised Deputy Martin that he believed there may be a survivalist camp in the area so Deputy Martin, acting on that tip, conducted an unsuccessful fixed-wing overflight looking for such a camp the following day.

(it had not been camouflaged when Chaney was last at the site) and the men followed that line to the open-topped bunker, a location that Chaney would later describe as a “great ambush spot.”

With Melo cutting the water line as they traveled to the bunker, neither man observed anybody at or around the bunker during their approach, nor did they hear or see anybody in the area. The land near the bunker had been terraced and there were plants growing on the terraces that Chaney believed to be opium poppies. At the bunker, Melo put down his wooden-handled axe he always carried, began taking photographs, and taking GPS readings near the bunker entrance. Chaney also took a picture of the bunker. As the men were looking south, Chaney heard crackling leaves behind and above the men. He whispered to Melo, “I think he’s right behind us.” The two men turned around to the north and saw Bassler hidden in brush about ten feet above and behind the men. Looking directly at Bassler, Melo announced, “Hey, what the f*ck are you doing over there?” Bassler immediately responded that he was an FBI agent and opened fire with what Chaney believed at the time to be a fully-automatic AK-47 assault rifle. Chaney heard three quick shots in rapid succession and, after the third shot, Chaney saw Melo “spin like a top,” falling hard and sliding a short distance down the hill. Close enough to see the whites of his attacker’s eyes, Chaney, recognized the gunman as Aaron. Dropping to the ground, Chaney took cover against the bunker.²¹ Chaney returned fire with his 9mm semi-automatic handgun.²² Bassler then stood up and began “unloading” his rifle on the spot where Chaney was seeking cover. Outgunned, Chaney decided to slide down the hill, reporting that he could hear bullets whizzing by his head, as the trees around him were being hit by bullets in rapid succession. As he slid down the hill, Chaney was also calling for Melo. At one point, Chaney, while looking back, observed Aaron standing on Melo’s back and looking downhill towards Chaney as Bassler continued to fire on Chaney. Seeing Bassler trying to advance on him through the brush, Chaney got to his feet, used trees as cover, and ran hard from the area, continuing to return fire to keep the attacker back. As he was able to achieve separation, Chaney tried twice to connect to 9-1-1 with his cell phone.²³ Chaney eventually escaped to the

²¹ Chaney described the man at the bunker ambush as a white male with a completely bald head. The man was wearing a thick black bullet-proof vest and black pants. Known to Chaney for at least ten years as Aaron, the man had no shirt on underneath the vest. Chaney believed the vest was a bullet-proof vest because it had no pockets, there were Velcro straps holding the vest on the man’s shoulders, and Chaney believed he struck Aaron with several of his 9mm rounds with the hits having no effect on the rifleman.

²² Chaney would later tell law enforcement that Melo did not like to carry a firearm while performing his security and land management duties. On the day in question, Chaney did not tell Melo that he was carrying a loaded firearm, though Chaney had previously told Melo he would not return to the location alone or without being armed.

²³ While trying to escape Bassler’s lethal onslaught, Chaney was also trying to also call for help. The first call got through but eventually dropped. However, while still connected, the following is a transcript of the harrowing conversation that took place:

CHP Dispatch: 9-1-1 emergency reporting.

Chaney: Hi, listen to me right now. My name is Ian Chaney. I’m here with Jere Melo out in the woods. We’re being fired upon by some growers. I think Jere Melo might have been hit.

CHP Dispatch: Where are you located?

Chaney: I have no idea. We are right of the tracks, ummm

CHP Dispatch: What town are you in?

Chaney: Fort Bragg, California.

Skunk railroad tracks, where he came upon an operator of a “speeder” cart at mile marker 6. Originally heading east, the speeder operator loaded Chaney, changed directions, and headed out to the west, with Chaney at the ready to fire should he see the attacker. When they got to Merritt’s camp, Chaney was able to make contact with law enforcement and report what had happened.

After Melo’s body was eventually recovered from the bunker location, evidence was located at that location that linked the Melo crime scene and the Coleman crime scene to a single perpetrator. Again, the tin foil marijuana pipe/blunt, scientifically tied to Bassler by DNA, was found at or near the location where it is likely Bassler was firing upon Coleman on August 11, 2011. Hershey’s chocolate foils were also found at the Cape Vizcaino location, foils that were not associated with Coleman. Later, at least one marijuana blunt fashioned from tin foil was located at the bunker scene, along with more Hershey’s chocolate foils. As one Sheriff’s investigator noted in his report, finding the “marijuana pipe fashioned like a cigarette out of tin foil” at the bunker was only the second time in his law enforcement career that he had seen a smoking pipe fashioned from tin foil in this fashion. The first time, he noted, was at the Coleman murder scene. Hershey’s chocolate foils were also a common denominator at the two crime scenes.

An autopsy performed on August 29, 2011 determined that Melo had sustained a lethal penetrating gunshot wound to his right central back, along with three additional grazing gunshot wounds to his right central back, left temporal head, and right foot. Toxicology tests revealed caffeine and theobromine²⁴ in Melo’s blood. The cause of Melo’s death was declared to be a gunshot wound causing massive internal trauma.

The District Attorney and sworn law enforcement members of the District Attorney’s Office continuously monitored daily the progress of law enforcement’s efforts to apprehend Bassler, including reviewing reports and evidence as they were prepared and reported, respectively. Based on the best information developed as of September 1, 2011 and in consultation with Sheriff Allman, District Attorney Eyster personally authorized and had filed on September 2, 2011 in the Ten Mile Division (Fort Bragg) of the Mendocino County Superior Court a felony complaint charging

CHP Dispatch: Let me put you through to the Sheriff’s Office, just a moment

[Beeping sounds, then dialing tone; caller breathing heavily.]

CHP Dispatch: You are being transferred.

MCSO Dispatch: 9-1-1, what is your emergency?

Chaney: Okay, listen to me right now. I’m being shot at ...

MCSO Dispatch: Where are you at?

Chaney: I’m out in the woods and I think Jere Melo has been hit. I got ...

[several gunshots are heard in the background]

Chaney: Sh*t.

MCSO Dispatch: Where are you at?

Chaney: God damn it.

[tones as if buttons are being pushed on Chaney’s cell phone keypad]

Chaney: I’m out in the f*cking woods.

[loud shuffling noise]

MCSO Dispatch: Sir?

Chaney: Are you still there?

MCSO Dispatch: Yeah, where are.... [recording ends].

²⁴ Theobromine is a methylxanthine alkaloid found in tea and cocoa products.

defendant Aaron James Bassler with the murders of both Coleman and Melo, and the attempted murder of Chaney. Special allegations and the special circumstance of lying in wait were also charged. A no bail warrant for the arrest of Aaron James Bassler was also signed by Superior Court Judge Mayfield that same day. (See Mendocino County Superior Court docket number MCTM CRCR 11-18683.)

On September 10, 2011 an informant reported to law enforcement his having face-to-face contact with a man he identified as Bassler at approximately 5 o'clock that morning along the railroad tracks. While camping in the woods, the man accidentally stumbled into a camp and surprised Bassler. Bassler was armed at that time with a rifle, as well as a smaller pistol. The man characterized Bassler as paranoid that his camp had been discovered but eventually calmed down, with the two men ultimately sharing the informant's marijuana cigarette. Bassler was informed during this interaction that he was a wanted man, and it was suggested that Bassler either surrender or flee the area. Following directions provided by this informant, a law enforcement apprehension team went to this location where they only found signs of a recent camp, as well as a bunker-type structure.

Attempted Murders of Alameda County Sheriff's Three-Man Fugitive Apprehension Team

By September 29, 2011, Alameda County Sheriff Gregory J. Ahern had dispatched his eight-man "Special Response Unit" to provide mutual aid to Mendocino County Sheriff Thomas Allman to assist in the "fugitive apprehension" of a multiple homicide suspect in the woods east of Fort Bragg. In addition to a briefing held in Alameda County, this law enforcement team was briefed by Mendocino County law enforcement on the underlying evidence developed to date on the Coleman murder, the Melo murder, the suspect's tactics observed by Chaney during his narrow escape, that the suspect was armed with a high-powered rifle with significant quantities of ammunition, of the suspect's familiarity with the area and terrain, and on the descriptions and photographs of the suspect prior to their deployment. On the morning of September 29, 2011, a three-member partial team, consisting of Sergeant Wilhelm, Deputy Poole, and Deputy Shannon, of the eight-man Alameda County unit were deployed into the woods to relieve another apprehension team. Their assigned area was near the recent cabin break-ins around Northspur, fourteen miles east of Fort Bragg.

As the team was preparing to hunker down for surveillance and location security along a well-traveled dirt road, Sgt. Wilhelm caught a glimpse of something black moving in the woods. As Sgt. Wilhelm watched, a man Sgt. Wilhelm was able to positively identify as Bassler, wearing all black clothing, walking very fast, and carrying what appeared to be an assault-type rifle, came into view. Because of the task he was completing, Sgt. Wilhelm did not have his rifle at his side and was armed only with a sidearm. Fearing Bassler's superior fire power, Sgt. Wilhelm remained still in the hope that he would not be seen, a tactic that initially worked. Bassler moved past Sgt. Wilhelm at a fast clip and extended the distance between the two men as a result of the suspect's very fast pace. As Sgt. Wilhelm stealthily tried to close the gap to get within pistol range, Bassler apparently sense something wrong, turned and looked directly at Sgt. Wilhelm. Sgt. Wilhelm repeatedly yelled, "Sheriff's Office, get on the ground." Bassler raised his rifle and fired at Sgt. Wilhelm. In response, Sgt. Wilhelm dropped to a crouch, fired 8 rounds, and quickly moved into the brush for cover.

Likewise, Bassler moved into the woods for apparent cover. Upon hearing at a distance Sgt. Wilhelm's commands being directed at Bassler, Deputies Poole and Shannon moved in that direction, with Deputy Shannon eventually bringing Sgt. Wilhelm his rifle. Sgt. Wilhelm saw Bassler come back up to the road, where it appeared to Sgt. Wilhelm that Bassler was trying to assume a tactical fighting position. At that time, more rounds were fired in Bassler's direction. In the hope of creating a perimeter, the discovery and engagement of Bassler was also transmitted over the air to all available teams. Not knowing how fast reinforcements would arrive, the three-man team formed a strategic 360 degree cover for one another. While the law enforcement team was assuming its defensive formation, Bassler circled around through the woods and re-appeared back at the location where Sgt. Wilhelm had first observed him.²⁵ Bassler came out of the brush, using trees as cover. He raised his rifle and pointed it in the direction of the three men. The Alameda County team returned fired in Bassler's direction, as they heard two distinct shots fired by Bassler, including a "supersonic crack of a bullet" passing between Sgt. Wilhelm and Deputy Poole. It is noted that the members of the Alameda County team were each wearing soft body armor that would not have stopped the rifle rounds fired by Bassler. As Sgt. Wilhelm then tried to advance on Bassler's location while Deputies Poole and Shannon tried to keep Bassler engaged, the fugitive again disappeared back into the brush and woods.

The Concluding Interaction

On September 29, 2011, Sacramento County Sheriff Scott R. Jones made the decision to dispatch members of his SWAT team to provide mutual aid to Mendocino County Sheriff Thomas Allman to assist in the apprehension of a homicide suspect in the woods east of Fort Bragg. The Sacramento County team members arrived early in the morning hours of September 30, 2011. In addition to a briefing held in Sacramento County on the 29th, this team was briefed by Mendocino County law enforcement, U.S. Marshals, and Alameda County personnel on Friday, September 30, 2011 on the underlying evidence developed to date on the Coleman murder, the Melo murder, the suspect's tactics observed by Chaney during Chaney's death-defying escape, that the suspect was armed with a high-powered rifle with significant quantities of ammunition, of the suspect's familiarity with the area and terrain, that the suspect had knowledge of military tactics, the descriptions and photographs of the suspect, and the suspect's tactics when contacted by the Alameda County apprehension team on the morning of September 29, 2011.

²⁵ The Alameda County team had arrived at their assigned area in a van. Inside the van were stored two sniper rifles, ammunition, and other law enforcement provisions. While the two deputies were setting up camp at a tactically-advantageous spot they had scouted out, Sgt. Wilhelm returned alone to camouflage the van, which he had finished just before he first saw Bassler. As expressed in each of their statements, all three team members were concerned that Bassler's final position of attack -- after he had circled around -- was very close to where the van had been hidden. Had Bassler discovered and been able to access the van, the officers were reasonably concerned that he might better arm himself and gain further tactical advantage.

On the morning of Saturday, October 1, 2011, the Sacramento County Sheriff SWAT team members, along with other law enforcement personnel, were assigned to three-man teams and each team assigned to pre-selected observations posts along travel routes that the operations commander believed Bassler may still be using, based on the locations of recent burglaries and canine alerts.²⁶ Grouped as one team, Sacramento County Deputies Prehoda, Esty, and Owens were transported by Mendocino County law enforcement personnel after a 0700 briefing to their assigned area at Sherwood Road and Mud Springs Road, arriving between 0830 and 0900. Having quickly developed a defensible observation post, the men commenced 360 degree observation coverage from that post. As the team members would be looking in different directions, non-verbal signals were agreed-upon should one of the team observed the suspect. Following Bassler's fire fight with and escape from the Alameda County team, the Sacramento County team was concerned that any audible signal might be heard by Bassler, allowing him to immediately fire on their position and/or escape again into the woods. Of special concern to the Sacramento County team, as well as the other teams, was the report from the Alameda County team who had been engaged by Bassler that he had opted to flank, re-engage and fire on the Alameda County team with the knowledge that they were law enforcement officers, instead of disengaging and using his honed survivalist skills to disappear into the woods.

Rotating positions throughout the morning, around 1230 Deputy Owens saw a white male dressed in all black "walking with a purpose," as had been described by the Alameda County team. Deputy Owens characterized the man as moving so fast that he seemed to "explode out of the gulch." The man was armed with a rifle at the ready. The man was immediately recognized as Aaron James Bassler. Without giving a verbal warning²⁷, Deputy Owens fired on Bassler. Despite believing that

²⁶ Assigned by Sheriff Allman to head up the apprehension effort from the start, MCSO Captain Kurt O. Smallcomb served out of the Fort Bragg command post as the Operations Commander.

²⁷ Just as any law enforcement officer lacks authority under the law to use deadly force against a suspect who has affirmatively indicated an intent to surrender and does not pose an immediate threat of serious harm to anybody, a law enforcement officer is nevertheless well within the breadth and scope of the law, proper police procedure and tactical response to fire on a well-armed individual at first opportunity who presents as a high risk fugitive, who has answered an earlier opportunity to surrender to law enforcement with a double engagement and gunfire, and who continues to pose a life-threatening risk as an armed, escaping fugitive. As mentioned elsewhere herein, after being told face-to-face by at least one person that he was a wanted man, Bassler ignored literally weeks of self-surrender opportunities and, instead, escalated tensions in the woods by focusing lethal attacks on members of an apprehension team. Again, the more specific and applicable criteria in this case are the deadly force criteria announced by the Supreme Court in *Tennessee v. Garner, supra*. In *Garner*, the Supreme Court held that: "[w]here the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force." (*Tennessee v. Garner*, 471 U.S. at 11; see also *Chew v. Gates*, 27 F.3d at 1441-1442 where the *Chew* Court interpreted *Tennessee v. Garner* as "holding that fourth amendment permits use of deadly force to apprehend a fleeing felon where there is 'probable cause to believe the suspect poses a threat of serious physical harm.'")

The comments of one the Sacramento County deputies, one who only secondarily engaged, are instructive. Had he been the deputy to first see the suspect fast approaching armed with a rifle with a high capacity magazine, Sacramento County Sheriff's Deputy Esty explained to DA investigators that he would have also fired on the suspect without announcing his presence because when Jere Melo tried to communicate with Bassler, Melo was immediately shot and killed. When Alameda County thereafter identified themselves as law enforcement, Bassler

his shot had hit Bassler “center mass,” Deputy Owens recounted that Bassler did not go down notwithstanding what Deputy Owens believed to be a hit. Bassler also did not release his grip on his rifle.²⁸ Believing there still to be a risk, Deputy Owens fired again, joined now by the other two team members. Having a magazine filled to its capacity of thirty rounds, Deputy Owens fired a total of six shots, stopping when he perceived no further risk to himself and others. Having a magazine filled to its capacity of thirty rounds, Deputy Prehoda fired a total of three shots, stopping when he perceived no further risk to himself and others. Having a magazine filled to its capacity of thirty rounds, Deputy Esty fired a total of three rounds, stopping when he perceived no further risk to himself and others. A total of twelve shots were fired by the apprehension team as a whole. According to the results of the autopsy performed on October 4, 2011 in Ukiah, the pathologist was able to determine that seven of the 12 shots fired hit the deceased causing his death. The cause of death was determined to be multiple gunshots. The only substances of interest detected in Bassler’s blood by toxicology tests were Delta-9 THC (16 ng/mL) and Delta-9 Carboxy THC (39 ng/mL).²⁹

responded by firing on the sergeant, slipping into the brush to flank the team, and then coming out of hiding to again fire on all three team members. Had Bassler again escaped, there was concern on the part of at least Deputy Esty that Bassler would be a lethal threat to the other unengaged law enforcement officers in other observation posts spread throughout the area whom he may be able to take by surprise, especially given Bassler’s recognized ability to move silently through the woods.

²⁸ According to Mendocino County District Attorney Investigator Alvarado’s on-scene investigation, the deceased was found at his final resting place on his right side with his right arm partially covering a pistol-gripped rifle that was almost completely wrapped in black electrical tape. That rifle was identified as a Chinese-made but modified Norinco SKS Sporter 7.62x39mm semi-automatic rifle. The rifle was loaded with a large capacity magazine and there was one live round taped just above the pistol grip on the left side of the receiver. The safety was off and there was a live round in the chamber, making the weapon fire ready. The large capacity magazine was loaded with 27 rounds of high velocity ammunition. The deceased also had with him a backpack that, among other things, contained 208 more rounds of 7.62x39 ammunition. Also found in the backpack was a .22 caliber rifle with a sawed-off barrel, accompanied by 26 rounds of .22 caliber ammunition. In viewing the chambered round removed from the Norinco SKS rifle, Investigator Alvarado determined that round was a dull silver Wolf 7.62mm. This round had the same color, and was of the same make and caliber as casings recovered at the scene of the officer-involved shootings on September 29, 2011, the incident involving the Alameda County apprehension team.

²⁹ According to the certifying toxicologist’s report of findings, “Marijuana is a DEA Schedule I hallucinogen. Pharmacologically, it has depressant and reality distorting effects. Collectively, the chemical compounds that comprise marijuana are known as Cannabinoids. Delta-9-THC is the principal psychoactive ingredient of marijuana/hashish. It rapidly leaves the blood, even during smoking, falling to below detectable levels within several hours. THC concentrations in blood are usually about one-half that of serum/plasma concentrations. The active metabolite, 11-hydroxy-THC, may also fall below detectable levels shortly after inhalation. Delta-9-carboxy-THC (THCC) is the inactive metabolite of THC with peak concentrations attained 32 to 240 minutes after smoking and may be detected for up to one day or more in blood. Both delta-9-THC and THCC may be present substantially longer in chronic users. Reported usual peak concentrations in serum after smoking 1.75% or 3.55% THC marijuana cigarettes are 50 to 270 ng/mL after beginning of smoking, decreasing to less than 5 ng/mL by 2 hours. Corresponding delta-9-carboxy-THC concentrations range from 10-101 ng/mL about 32 to 240 minutes after the beginning of smoking and decline slowly.

Officer-Involved Shooting Findings

In applying the totality of information developed by all investigators in the instant case to the previously mentioned criteria applicable for assessing whether the use of force is objectively reasonable, the District Attorney makes the following findings:

(1) The nature of the crimes at issue (two distinct and separate murders, as well as multiple attempted murders of a civilian and three law enforcement officers) are, not surprisingly, characterized in the Penal Code as violent offenses, the most violent conduct that society must address;

(2) It is and was objectively and subjectively reasonable for the Alameda County apprehension team members to defend themselves and fire on the suspect as the suspect posed an immediate and extreme threat to the safety of the apprehension team, as well as other unengaged apprehension teams that were deployed in the general area. This is especially so because of the circumstances that, when Alameda County's team leader announced his presence and identified himself seeking the suspect's surrender, the suspect fired upon that team leader, then circled through the underbrush in an attempt to gain a tactical advantage, and re-emerged to re-engage and fire on the now assembled three-man team. Beyond self-defense, it is and was also subjectively and objectively reasonable for the Alameda County apprehension team to conclude that their use of lethal force was necessary to try and prevent a continuation of the ongoing threat to people living, working, and temporarily deployed in and around the forest;

(3) It is and was objectively and subjectively reasonable for the Sacramento County apprehension team members to conclude from observing the suspect's approach with an assumed loaded rifle at the ready that the defendant was an immediate and extreme threat to the safety of the apprehension team, as well as other unengaged apprehension teams that were deployed in the general area. This is especially so because of the information shared with the apprehension team that the suspect had recently fired on an Alameda County Sheriff's apprehension team, who had announced their presence and identified themselves seeking the suspect's surrender, and then circled that team through the underbrush in an attempt to gain a tactical advantage, firing again from a strategic location. It is also subjectively and objectively reasonable that the apprehension team concluded that there would be a continuation of the ongoing threat to people living, working, and temporarily deployed in and around the forest, a forest where the defendant had successfully eluded apprehension by a numerically superior force for 36 of the 52 days of his crime spree;

(4) Given his earlier interaction with the Alameda County Sheriff's apprehension team, there is no question that the suspect was engaged in an ongoing attempt to evade arrest through utilization of both lethal resistance and flight; and

(5) According to all accounts recorded close in time to the shooting, the degree to which the situation was tense, uncertain and evolving was extremely high, especially after the suspect's engagement with the Alameda County apprehension team. In reaching this conclusion, the previously-mentioned legal guidance that officers regularly must act with little time to analyze and consider all circumstances is given great weight and consideration.