

**C. DAVID EYSTER
DISTRICT ATTORNEY**

**Mike Geniella
Public Information
707-391-1019
geniellam@co.ca.mendocino.us**



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

COURTHOUSE
P.O. Box 1000
Ukiah, CA 95482
(707) 463-4211 Fax (707) 468-4687

COAST OFFICE
700 S. Franklin St., Rm. 148
Ft. Bragg, CA 95437
(707) 964-5624 Fax (707) 961-2429

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PRESS RELEASE

Mendocino County prosecutors on Friday won their bid to try a Laytonville man for murder under the rarely used “provocative act murder” doctrine, which holds that a person can be guilty of a killing even if someone else committed the slaying.

Noah Shinn, 39, of Laytonville faces the murder charge because he allegedly orchestrated a marijuana-related home invasion robbery last October at the rural Steele Lane residence of Jill Cahill. Homeowner Cahill actually shot and killed one of three intruders while Shinn waited outside. The masked robbers included victim Timothy Burger, 21, and Shinn’s 19-year-old son Christopher, both of Sacramento.

Deputy District Attorney Ray Killion successfully argued after a three-day preliminary hearing that even though Cahill fired the fatal shot that killed Burger, Noah Shinn is legally responsible for his death.

Killion said the senior Shinn earlier had instructed Burger, his son and a friend Tyrone Bell, also of Sacramento, to don masks, forced their way into the house and with the use of a pistol and mace rob Cahill and other occupants of marijuana.

Killion said once inside, however, things turned violent. Christopher Shinn allegedly fired a .22 caliber piston inside the house. “Bear mace” was sprayed in the eyes of the occupants. In the melee Cahill seized a weapon and shot and killed Burger as the three young men attempted to flee.

Shinn’s attorney, Public Defender Linda Thompson, contended that homeowner Cahill triggered the violence by firing first. She also argued that the trio of intruders believed she was home alone and unarmed.

But Superior Court Judge David Nelson on Friday ruled that Noah Shinn will stand trial for murder, in addition to attempted first degree armed robbery and burglary. Shinn if convicted at trial faces life in prison.

Nelson noted that the senior Shinn planned the marijuana robbery, and that he “brought together the crew that was to perform the rip-off.” Shinn, the judge found, also instructed his son and his two accomplices on how to subdue the home occupants. Nelson found that the senior Shinn handed out the firearm and mace used in the botched robbery.

As far as what happened, Nelson said it doesn’t really matter who fired the first shot. “It was reasonably foreseeable that rural marijuana growers would be armed and fire in self defense,” he said.

Nelson concluded Noah Shinn should be held responsible because he knew “there was a high probability that a gun battle would result from the acts of spraying bear mace and pointing and firing firearms at the occupants of a marijuana plantation during an early morning entry.”