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and PUBLIC ADMINISTRATOR
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**OFFICER INVOLVED SHOOTING
REPORT**

DAU#DA12-020

INCIDENT LOCATION: Evergreen Trailer Park
39300 Hwy 70 Quincy, Ca. 95971

POLICE REPORT: Plumas Co. District Attorney case# DA12-020
Plumas Co. Sheriff's Office case# 2012005107

INCIDENT DATE: June 19, 2012
INCIDENT TIME: 1556 Hrs.

DA: D. Hollister
DA INVESTIGATOR: J. Wilkinson DA-1
J. Beatley DA-2

INVOLVED AGENCY: Plumas County Sheriff's Office

OFFICER INVOLVED: Deputy Tom Froggatt #103

INVESTIGATING OFFICERS: Inv. Jeff Wilkinson P.C.D.A.
Inv. Jessica Beatley P.C.D.A.
Officer Cavolt C.H.P.
Officer T. Dunn C.H.P.
Officer J. Rood C.H.P.

INVESTIGATING AGENCY: Plumas County District Attorney's Office

ASSISTING AGENCIES: California Highway Patrol, Quincy Command
Plumas County Sheriff's Office
Calif. Dept. of Forestry and Fire Protection, CAL FIRE
California Department of Justice

SUBJECT: Majewski, Dennis Jason (aka Jason)

ADDRESS: Evergreen Trl. Park [REDACTED]

RACE: White

SEX: Male

HEIGHT: 6'0"

WEIGHT: 250 lbs

DOB: 8/4/75

CDL: [REDACTED]

CII: [REDACTED]

FBI: [REDACTED]

SUBJECT'S CRIMINAL HISTORY/CONVICTIONS/CONTACTS:

At the time of the present incident, Majewski was on probation for driving under the influence with a blood alcohol content of .08 or above in violation of VC § 23152(b) (misdemeanor) with a prior conviction in Plumas County Superior Court case #M09-00894.

Majewski had previously been convicted of PC § 496(a) (felony) on 5/17/96 in Redding Municipal Court case #960003333002; VC § 23103/23103.5 (misdemeanor) on 5/13/03 in Plumas County Superior Court case #03-29773; and VC § 23103/23103.5 (misdemeanor) on 9/8/08 in Shasta County Superior Court case #TR080004844001.

Additionally, on 7/23/09 Majewski was arrested by the Plumas County Sheriff's Office for PC § 417(a)(1) (Exhibiting a deadly weapon, not a firearm) and PC § 422 (Threatening crime with the intent to terrorize).

The Plumas County Sheriff's Office noted 29 other incidents involving Majewski in which an official incident number was created. In 10 of these incidents, Majewski was identified as the "suspect" or "offender." In others, Majewski was identified as the "victim" or "complainant."

OFFICER'S SERVICE HISTORY: Deputy Froggatt has served as a Deputy Sheriff for the Plumas County Sheriff's Office, having previously graduated from the Butte College Basic Law Enforcement Academy and beginning employment with the Plumas County Sheriff's Office on August 10, 2006. In 2008, Deputy Froggatt attended a 40 hour Advanced Officer training in San Luis Obispo, Ca. Deputy Froggatt has attended a 24 hour D.A.R. class and a 24 hour Interview and Interrogation class. In January 2011, Deputy Froggatt attended the 40 hour F.T.O (Field Training Officer) class. In March 2012, Deputy Froggatt was awarded "Officer of the Year" by the Quincy chapter of B.P.O.E. (Benevolent Protective Order of Elks).

OFFICER'S WEAPON: Glock .45 Caliber pistol

SUBJECT'S WEAPON: Knife & Hammer

CAUSE OF DEATH: Dr. Ellen Clark performed the autopsy at the Washoe County Medical Examiner's Office in Reno, Nevada on June 20, 2012 at 9:00 a.m. and determined "[T]his 36 year old Caucasian male, Dennis Majewski, died due to gunshot wounds to his chest and neck."

SYNOPSIS AND TIMELINE: June 19, 2012 approx. 1556 hrs. Daniel Funke called the Plumas County Sheriff's Office via 9-1-1 to report that his neighbors, a male and a female, were fighting and the male had a knife and a hammer. Funke reported that the male, S/ "Jason", was hitting a fence with the knife and hammer, and the knife flew out of "Jason's" hand and hit Funke's trailer.

Approx. 1557 hrs. Deputy Tom Froggatt was dispatched to a "415" (disturbing the peace) involving a male and female at Evergreen Trailer Park. Froggatt was informed that the subject, "Jason", had a knife and a hammer and had already thrown the knife at the reporting party, Funke, when he tried to find out what was going on.

Approx. 1559 hrs. The female subject of the "415", Janet Cass (Majewski's girlfriend), is at Funke's residence and speaks to the dispatcher.

Approx. 1559 hrs. A second call to 9-1-1 was received from the subject, Dennis "Jason" Majewski, where Majewski informed the dispatcher to "send every deputy" as he was going on a "Murder Spree." Majewski then hung up.

Approx. 1600 hrs. Janet Cass calls dispatch via 9-1-1 and advises the dispatcher that Majewski had a lot to drink, is going through withdrawals from morphine, and is destroying things. In the background, Majewski is yelling, "I'm going to kill you."

Dispatch advised Deputy Froggatt that Majewski had called saying there were going to be further problems and to send every deputy.

Approx. 1602 hrs. Deputy Froggatt arrived at the Evergreen Trailer Park at 39300 Highway 70 in Quincy, Ca. 95971

Approx. 1603 hrs. Deputy Froggatt advised he had one (later identified as Stewart McCormick) detained. A few seconds later Deputy Froggatt advised he had another at "gun point and threatening to shoot."

Moments later Deputy Froggatt fired three shots, each striking Majewski in the upper torso.

Approx. 1604 hrs. Sgt. Dwight Cline arrived at the scene. Deputy Froggatt requested an ambulance and 1A2 respond. Sgt Cline advised dispatch, "shots fired, suspect down, send ambulance and fire."

Approx. 1625 hrs. I arrived on scene and saw numerous Sheriff's Office, California Highway Patrol, Quincy Fire, and Plumas District Hospital ambulance personnel in the area. (Refer to scene log for personnel and arrival times). I briefly spoke with Sheriff Greg Hagwood who advised me he was told the subject had come at Deputy Froggatt with a knife and Deputy Froggatt shot him. Sheriff Hagwood told me the subject was deceased. I saw a white male adult lying on the ground near a trailer, and next to the deceased were what appeared to be a knife and a hammer.

While I was speaking to personnel at the scene, Majewski's trailer suddenly began smoking and caught fire. Quincy Fire personnel and USFS personnel extinguished the fire.

District Attorney D. Hollister arrived at the scene and advised me that I would be the lead investigator for the criminal investigation with the assistance of CHP personnel for interviews; California Department of Justice personnel would assist with scene investigation and evidence collection; and Cal Fire would conduct the investigation of the trailer fire. It was later determined the Butte County Sheriff's Office would conduct the administrative portion of the investigation.

Deputy Froggatt had already been transported to the Sheriff's Office.

INVESTIGATION SUMMARY: Prior to my arrival, the scene was secured by Sheriff's Office and California Highway Patrol personnel and had been taped off with crime scene tape. The securing of the area consisted of a "soft" scene (only law enforcement) and a "hard" scene (entry only by authorization, whether law enforcement or not). Deputy Froggatt had already been transported to the Plumas County Sheriff's Office by Detective Jeremy Beatley. Detective Beatley secured Deputy Froggatt's weapon, magazines, uniform, and tape recorder at the Plumas County Sheriff's Office pending later recovery by criminalists from the Department of Justice. Additionally, a blood sample was obtained from Deputy Froggatt.

Within minutes of my arrival, Majewski's trailer caught fire and was extinguished by members of the Quincy Volunteer Fire Department and a U.S.F.S. crew.

The scene was videotaped, prior to D.O.J. and CALFIRE Investigators arrival, by Detective Chris Hendrickson of the Plumas County Sheriff's Office (refer to supplement).

The scene was photographed, prior to the D.O.J. and CALFIRE Investigators' arrival, by Sergeant Matt Beatley of the Plumas County Sheriff's Office (refer to supplement).

Officer Cavolt (of the California Highway Patrol) and I interviewed witnesses - those persons identified at the scene as percipient, material witnesses. These persons included: Janet Cass (Majewski's girlfriend), Patrick McGee, Sydney McLain, Laurrissa Ballow, Daniel Funke, Deanne Lamar, David Saltel, Todd Cook, and Sgt. Dwight Cline. These interviews occurred during the evening of June 19, 2012 at the scene.

California Highway Patrol Officers T. Dunn and J. Rood canvassed the trailer park in an attempt to locate any further witnesses (refer to supplements).

Approx. 1939 hrs. Officers John Berglund and Shane Vargas of CALFIRE arrived. I briefed them, and they began the fire investigation of Majewski's trailer (refer CALFIRE Structure Fire Investigation Confidential Origin and Cause Report # CALMU002459).

During their investigation, Officers Berglund and Vargas recovered a DVR that appeared to be attached to surveillance cameras on Majewski's residence. We subsequently viewed the video retrieved from the hard drive (refer to DVR section of this report for details).

Approx. 2000 hrs. Senior Criminalist Kirsten Wallace and Criminalist Anna Brewer of the California Department of Justice arrived. I briefed them, and they began processing the scene for evidence. They used "X", "Y" coordinates in measuring the scene (refer to California Department of Justice Bureau of Forensic Services Physical Evidence Examination Report # CH-12-000285-0002).

6/20/12 approx. 0030 hrs. John Fehrman, of Fehrman's Mortuary, arrived and removed the decedent for transport to the Washoe County Medical Examiner's Office (refer Plumas County Detective Mike Smith's supplement).

Investigator Jeremy Beatley checked Deputy Froggatt's audio recorder and determined that the recorder had not been activated during the incident (refer to Deputy Froggatt's recorder section of the report for further details).

6/20/12 approx. 1515 hrs. Investigator Jessica Beatley and I interviewed Deputy Thomas Froggatt at the Plumas County District Attorney's Office. Present were Deputy Froggatt, his attorney Chris Miller, Investigator Jessica Beatley, Plumas County Sheriff's Office Detective William Elliott, and myself.

I have interviewed witnesses subsequently identified including Dr. Williams (Majewski's doctor) and Gerald Cook, who was involved in a fight with Majewski several weeks prior to this incident.

7/17/12 Investigator Jessica Beatley and I returned to the Evergreen Trailer Park after reviewing Deputy Froggatt's diagram and measured the distance Deputy Froggatt

retreated from Majewski before discharging his firearm. Using a tape measure, we determined Deputy Froggatt retreated a total of approx. 70 feet.

STATEMENTS TAKEN: The following interviews were conducted and recorded by Officer Cavolt of the California Highway Patrol and myself.

Cass, Janet Lee [REDACTED] (Majewski's live-in girlfriend)

Approx. 1710 hrs. Officer Cavolt and I contacted Janet Cass, who was seated in the back of the P.D.H. ambulance, at the scene. Cass was uninjured but was visibly upset. The first thing Cass said was "My ferret's gone now, where am I supposed to go, where am I supposed to sleep, my husband's gone, I told everyone not to shoot him."

Cass told me that she and "Jason" Majewski have been together for approx. 16 years.

Cass said Jason has been out of Morphine for 2 days and had been going through withdrawals. She added that "Jason" "has been out of marijuana for three days."

Cass told me that on June 19, 2012, Majewski had been attempting to contact his doctor (Dr. D. Williams in Greenville, Ca.) to get more Morphine. Cass said at first Majewski was drinking beer and that it does not affect him, as he just goes to sleep. She said about an hour before the incident Majewski started drinking vodka. Cass said she was "doing something" in a back room and Majewski started "going nuts" in the kitchen, "yelling and stuff", so she went to see what was going on. When Cass went into the kitchen, Majewski said, "I'm gonna slit your throat" to which Cass replied, "don't you even, don't you ever touch me" then said she would call "the cops." Cass said when Majewski threatened to slit her throat, he had a "big ole huge butcher knife." Majewski then began "ruining/ mashing everything in the house, all my knick knacks and everything." Cass said she left the house when Majewski began throwing things at her "like flour tortillas."

Cass told me she hid behind a shed then went around a tree to "Dan's" (Daniel Funke) house. Cass said when she got to Dan's house she was crying, and she asked Dan if she could go inside because she was scared. Cass said that was when she "saw him come out, and that's when I saw the sheriff, and he shot him." I then asked Cass what she actually saw. Cass said she saw Majewski walking toward the deputy with a "big ole butcher knife and like a hammer" and he started yelling "come on, kill me." Cass said she could not hear anything other than Majewski saying "come on, kill me" after which she heard the gun. She said she could not see Majewski or the deputy when the shots were fired. Cass said she went to see Majewski, and she saw him "laying down" and the "sheriff's department with the gun."

I asked Cass if she and Majewski have had problems in the past and she said, "No." I asked her if Majewski has had problems with other people in the park, and she replied, "No, everyone don't like him." When I asked why, Cass said, "cause he's too dangerous, but my part he's not dangerous" (these were Cass' exact words, and in the context of the interview, I believed Cass to mean she did not think that Majewski was dangerous to her); "he respects women." I asked if "Jason" hit her today, and she said, "No, he never hits me."

McGee, Patrick R. [REDACTED]
[REDACTED]

Officer Cavolt and I contacted McGee at his residence, and I asked him if he had seen any of what happened on the day of the incident. McGee replied, "I saw the whole thing." McGee said the first thing that happened was that his neighbor, Stewart (Stewart McCormick), came to McGee's residence to get the trailer park manager's (Gene) number so he could call him and tell him that "that guy" (McGee pointed to Majewski lying on the ground) was threatening him.

McGee said that just as he was going to call Gene, "Jason" came out and was screaming, "I'm gonna kill ya, I'm gonna kill ya all." McGee said the sheriff put Stewart in handcuffs and put him in the car. McGee said the sheriff told him (McGee) to get back because Majewski was walking towards them directing all kinds of profanity at the officer. McGee said he saw the officer walk towards Majewski and heard Majewski say "kill me, kill me" while Majewski kept coming at the officer. McGee said he heard the officer telling Majewski to "stop" and asking Majewski what he had in his hands.

McGee said that he could not see if Majewski had anything in his hands. McGee said Majewski was just yelling and screaming the whole time and was "out of his mind." McGee told me that he saw the officer back up approx. 30 feet to the corner of the trailer next door, which was where McGee thought the officer was "when he finally shot him." McGee said that Majewski had closed to within 6 feet or less from the officer. McGee "knew he was gonna shoot him ("Jason")", so McGee turned his head. McGee said he did not see the actual shooting but heard three shots.

McGee said the officer "gave him every opportunity to quit", "there were no other officers here to help", "he didn't have a choice", "he wasn't stopping", and "if he was coming at me, I would have done the same thing."

McLain, Sydney [REDACTED]
[REDACTED]

McLain is bedridden and did not see any of the incident, but she heard the events from inside her residence. McLain said she heard screaming outside but could not tell what was being said other than swearing. McLain told me she heard the officer say "back up, get back." McLain said she then heard 3 shots. McLain was unable to provide any further information.

Ballow, Laurrissa [REDACTED]
[REDACTED]

Ballow told me that she was asleep in the back bedroom, the bedroom closest to the incident, with Jerry Springer on the T.V. and did not hear anything.

McCormick, Stewart [REDACTED]
[REDACTED]

Approx. 1752 hrs. Officer Cavolt and I contacted Stewart McCormick at his residence. Stewart told me that when Majewski moved in, he told Majewski that he could not be around with all those "track marks" running down his arms, and that Majewski would have to do something about helping himself if he wanted to hang around with him (Stewart). (Upon viewing Majewski, I observed a series of infected needle marks on his arm consistent with what could be described as "track marks.") Stewart told Majewski, "if you're going to be on dope, don't come around me." Stewart told me that approx. 15 minutes before the shooting, Majewski called him and started making threats toward Stewart. Majewski said something like, "[I]f it wasn't for having met you, I'd still have my prescriptions, I'd have my meds and my needles." Majewski went on to say, "my life is screwed because of you, you're dead, you are nothing but a punk and a dead motherfucker"; Majewski then hung up. Stewart told me that when Majewski called him, Stewart did not know that Majewski was in Majewski's trailer because the reception sounded like Majewski was on a mobile phone. Stewart said he went to find the manager (Gene) who had been putting windows in the motel. Stewart said he stopped and talked with his neighbor (McGee) just prior to the deputy's arrival. Stewart said he could hear "stuff breaking up over there", and Stewart made the comment to Rick, "sounds like he's bustin' up the trailer."

Stewart said that just about the time the deputy arrived, Majewski came out of his trailer and was yelling at Stewart, "[Y]ou're dead, you're a dead motherfucker" and started coming towards Stewart. Stewart said he went to flag down the deputy and the deputy placed him in handcuffs. He told me that he only has one leg, so the deputy was having a hard time getting him seated in the back of the patrol car. Stewart said Majewski was still advancing towards them leveling threats, so he told the deputy he would just sit on the ledge. He told the deputy to go "do what you gotta do." Stewart said the deputy went towards Majewski, and Stewart heard the deputy say, "put down what's in your hand - drop your weapon" several times. Stewart told me the last thing he saw was the deputy walking towards Majewski and Majewski walking towards the deputy. Stewart said he moved into the door ledge, and the door was blocking his view at that point. Stewart said that Majewski's threats went from being directed at Stewart to being directed at the deputy. Stewart could not remember exactly what Majewski was saying, but basically it was "screw you, screw all of you, you're gonna have to take me down." Stewart said, "he's a big boy, he was comin' on, and he definitely had something in his hands." Stewart said he could not tell what was in Majewski's hands, but it "could have been a machete, could have been a knife, or pipe or something." Stewart said he heard the shots, but because of the way he was seated, he could not see what was going on or where Majewski and the deputy were when the shots went off.

Funke, Daniel [REDACTED]
[REDACTED]

Approx. 1805 hrs. Officer Cavolt and I contacted Dan Funke at his residence Sp.#22 which is next door to Majewski's residence. Funke told me that earlier, Majewski called him over and asked him for some "stuff" because he (Majewski) was "DT'ing." Funke told Majewski he doesn't "mess with that shit anymore", and Majewski became frustrated because "rehab wants 22 thousand up front" and "he's trying to get help, and his doctor quit on him when there's only two more steps to get him off the Morphine." Funke said he went home, and a short time later, Majewski started blasting his stereo so loudly that Funke could not hear his own TV. Funke said he looked out his window and saw Majewski come out of the front of the trailer, and Janet came from the rear. Funke said they were arguing, and Majewski was beating on the fence with a chef's knife and a brick hammer. Funke told me that while beating on the gate, the knife came out of Majewski's hand and hit Funke's trailer. Funke went outside to see what was going on and Majewski "came up on" him with the hammer in his left hand and the chef's knife in his right hand. Majewski then said, "I'm ready to die, are you? Do you want your throat slit?" Funke said at that time Janet was making the sign to "make the

call." Funke said he made the call to dispatch, and he could still hear yelling and smashing at Majewski's house. He said Janet came around the back of his trailer and got on the phone with the dispatcher. Funke said he was on the back side of his trailer and could not see what was happening but could hear Majewski being belligerent and aggressive and saying "come on", challenging the officers. Funke said he then heard what he thought were 3 shots. Funke told me he walked around the corner of his trailer and saw that Majewski was "down."

Lamar, Deann M. [REDACTED]
[REDACTED]

Approx. 1823 hrs. Officer Cavolt and I contacted Deann Lamar at her residence. Lamar told me she was out feeding her chickens when she saw deputy Froggatt pull in with his lights on. Lamar could hear Majewski screaming, "bring it, bring it, come get me." Lamar said she saw Froggatt near the driver's side of his patrol vehicle then lost sight of him when he went towards Majewski. Lamar said she felt "pinned down" because it looked like Majewski was walking towards Froggatt with something in his hand, so she went behind the chicken coop. Lamar said that was when she heard "pop, pop, pop." Lamar told me she looked up and saw Froggatt come from over by the trailer and his radio was hanging, not attached to his lapel. Lamar said she heard Froggatt yelling prior to the "pops" but could not hear what he was saying. I asked Lamar if she had ever had problems with Majewski, and she said that she personally had not. Lamar said that a couple weeks ago there had been a fight at Majewski's.

Saltel, David M. [REDACTED]
[REDACTED]

Officer Cavolt and I contacted Dave Saltel and spoke with him in front of the manager's office. Saltel was not at the park when the incident happened, but I asked if he had any information as to Majewski's history. Saltel told me that Majewski moved into the park less than a year ago from the Claremont Trl. Park. Saltel said Majewski lives in the trailer with his "wife" Janet and he has always been current on his rent. Saltel told me he had not had any problem with Majewski until about 2 or 3 weeks ago. Saltel said he got called over to an altercation between Majewski, "some girl living in the trailer", Janet, Jerry Cook, Jerry Cook Sr., and Todd Cook. Saltel told me there was a fight, there

was a knife involved, there was a gun involved, and the CHP officers and Sheriff's deputies were there. Saltel said Majewski was "beat up", had a black eye, and "they" (referring to the Cooks) had held him down and hit him with a stick. Saltel said he also saw injuries on Todd Cook. Saltel said he has had problems with Todd Cook in the past and has kicked him out of the park but cannot stop him from going to his parents' residence.

Saltel told me the responding officers talked to the neighbors, but nobody was arrested. Saltel said he talked to Sheriff Greg Hagwood about the incident and then came to the District Attorney's Office and spoke with me about the incident. Saltel said that on another occasion, Majewski had called the Sheriff's Office to report receiving threats from a "Bill" and if they (the Sheriff's Office) did not do something about it, he (Majewski) would. Saltel said Majewski has always been respectful to him and has talked to him numerous times about how he is not doing anything wrong. Saltel said Majewski told him he is not on drugs and showed him a slip that allows him to use a syringe.

Saltel said, "As I can say, I coulda told you this was going to happen, this was inevitable because I had done everything I could to get somebody to address this problem, and nobody wanted to address this problem." Saltel said he has not had any problems with Majewski, but others have told him about Majewski's "fits of rage."

Cook, Todd E. 


Approx. 1854 hrs. Officer Cavolt and I contacted Todd Cook in front of his residence. Todd told me that he was sitting on his porch when the deputy drove in but lost sight of him because a building was blocking his view. Todd said he could hear the deputy talking to someone but couldn't see or tell who it was or what was being said. Todd said that a short time later, he heard somebody yelling "back there" (pointing to the south end of the trailer park) "bring it" three or four times, so Todd went in his trailer. Todd said he did not hear anything else until he heard the shots.

I asked Todd if he has had any dealings with "Jason", and Todd said he has had problems with him. Todd said a couple of weeks ago, there was a girl named "Doris" living with them (Majewski and Cass), and Todd's brother saw a bruise on "Doris" that Majewski had supposedly caused. Todd said his brother called him, and they went over to get all of "Doris's" stuff out and Majewski "started charging at her", so Todd and his brother "got into a scuffle" with Majewski. Todd said he was holding Majewski on the

ground and told him he would let him up if he calmed down. Majewski told Todd he would calm down, so Todd let him up. Todd said Majewski then went inside and grabbed a "big ole Bowie knife." Todd told me that there were no guns involved in that incident, but there had been some type of unrelated incident involving a gun call at the park earlier. Todd said that during the incident with Majewski, his brother was cut on his hand. Todd said no one went to jail because "the deputy" told them, "[I]f I take him, I gotta take all you guys."

Cline, Dwight (Sergeant)

Plumas County Sheriff's Office, Quincy, Ca. 95971

283-6300

Approx. 2005 hrs. Officer Cavolt and I contacted Sergeant Cline near the parking lot of the Evergreen Trailer Park. Sgt. Cline told me he was on duty today but in plain clothes. Sgt. Cline told me that he heard parts of the initial call, and it was a call of a disturbance assigned to Deputy Froggatt. Sgt. Cline said he couldn't recall specifics but thought there were weapons involved and "some guy was going kinda crazy." Sgt. Cline told me he left the office as soon as the call came out. While en route, Sgt. Cline heard Deputy Froggatt arrive on scene. Sgt. Cline then heard further radio traffic from Froggatt stating that he had someone detained and also had someone at gun point. Sgt. Cline told me he arrived on scene, parked behind Froggatt's patrol vehicle, and saw a guy handcuffed in Froggatt's vehicle. Sgt. Cline started walking towards Froggatt's vehicle and heard several shots come from the area where Majewski was located. Sgt. Cline said he ran to the area and saw Deputy Froggatt near the driver's front of a vehicle parked between trailers space #5 and space #6. Sgt. Cline said Deputy Froggatt was between the headlight area of the vehicle and the corner of the trailer (space #6); Froggatt had his gun out "kinda at the low-ready" position and had kind of a shocked look on his face. Sgt. Cline came around to Deputy Froggatt, asked him if he was okay, and asked Deputy Froggatt if he had put over the radio that there had been a shooting. When Froggatt said he had not advised dispatch, Cline used Froggatt's radio to advise dispatch and to have them send "Fire and Ambulance." (Sgt. Cline was in plain clothes and had left his radio in his car.)

Sgt. Cline told me that at about that time, Detective Mike Smith and Detective Jeremy Beatley arrived. Sgt. Cline said about the same time he was "thinking I needed to check this guy, well he was, well he was kinda dying, ya know he was doing the death thing," when Cass came running over yelling, screaming, and demanding to see Majewski. Sgt. Cline had left Majewski to address Cass. Sgt. Cline said Detective Smith assisted in dealing with Cass, so Sgt. Cline went back to Majewski. Sgt. Cline told Jeremy Beatley to get Froggatt out of the scene and to take him back to the office. Sgt. Cline told me he

went back to Majewski, ran to his car to get gloves, came back, and he was "gone." Sgt. Cline "checked him for vitals and there was none there." Sgt. Cline said he called dispatch, via his phone, and advised the subject (Majewski) was "11-44" (deceased person).

I asked Sgt. Cline if, upon his arrival, he heard anything, and he said he had not heard any yelling or anything.

I asked if Deputy Froggatt said anything after the shooting, and Sgt. Cline said he had not asked any questions other than if Deputy Froggatt was okay and if he had advised dispatch of the shooting. Sgt. Cline said it was pretty obvious what had happened: "guy's lying there, he's got gunshot wounds, Tom's got his gun out." Sgt. Cline said he saw a "knife and a hammer thing" lying near the guy's left side. Sgt. Cline said he was thinking "this guy was probably attacking Tom and he got shot."

I asked Sgt. Cline if anyone had attempted C.P.R. Sgt. Cline initially said "no" but then clarified that when he had to deal with "the wife", he had left Deputy Froggatt with Majewski, so Cline was not sure. Sgt. Cline said when he returned to start first aid, Majewski was deceased.

6/20/12 approx. 0800 Hrs. I attended the autopsy of Dennis J. Majewski, performed by Dr. Ellen Clark, at the Washoe County Medical Examiner's Office in Reno Nevada (refer to supplement).

Froggatt, Thomas (Deputy Sheriff)
Plumas County Sheriff's Office, Quincy, Ca. 95971
283-6300

6/20/12 approx. 1515 hrs. District Attorney's Investigator Jessica Beatley and I met with Deputy Tom Froggatt, his attorney Chris Miller, and Plumas County Sheriff's Office Detective Bill Elliott in the conference room of the Plumas County District Attorney's Office. I advised Deputy Froggatt that he was free to leave at any time, he or his attorney could stop the interview at any time, and I was not going to *Mirandize* him as he was not in custody. I asked Deputy Froggatt, having that in mind, if he would be willing to talk to me, and he replied "yes."

Deputy Froggatt told me he was on duty yesterday (6/19/12) in his full Plumas County Sheriff's Office uniform and driving a marked patrol unit. Deputy Froggatt told me he was en route to a 9-1-1 hang up call when dispatch advised him, via radio, of a disturbance at the Evergreen Trailer Park. Deputy Froggatt said he was advised the RP (reporting party) was Daniel Funke, he (Funke) was reporting a disturbance between a male and female, and there was mention of a hammer. Deputy Froggatt said he diverted from the other call and responded "Code 3" from Central Ave. and South

Lindan in Quincy. Deputy Froggatt told me he was responding as a solo unit and while en route, dispatch advised they contacted C.H.P. as a cover unit but did not provide an ETA (estimated time of arrival). Deputy Froggatt told me dispatch advised him that the subject involved was Daniel Funke's neighbor. Deputy Froggatt indicated he knows the layout of the trailer park and knows Funke's neighbor is Dennis Majewski. Deputy Froggatt said he entered the trailer park via the west driveway of the park behind the brick and mortar building and took the first left which leads to Funke's residence.

Deputy Froggatt said he stopped just prior to the trailer in space # 5. I asked why he stopped there, and he said there was a white, male adult (WMA, Stewart McCormick) in the road talking to another WMA (Richard McGee), and McCormick started walking towards his patrol vehicle. Deputy Froggatt said at that time he had very limited information of who was involved in the fight and McCormick was very "animated" as he approached, so Deputy Froggatt placed him in handcuffs. Deputy Froggatt said he attempted to put McCormick in the back of his patrol vehicle, but the subject told him that he had a "fake leg" and could not get into the vehicle.

Deputy Froggatt told me he heard yelling and screaming, and his attention was drawn up the road to a subject he knew to be Dennis Majewski in front of his residence, space #21. I asked if he could tell if the person yelling was male or female, and he said "male." Deputy Froggatt said that the first time he saw Majewski, he was approx. 75 yards away and Deputy Froggatt could not hear what he was yelling. He told McCormick to sit on the floorboard, and Deputy Froggatt began approaching Majewski. Deputy Froggatt said he was not focused on what Majewski was saying at that time, as he was concerned for the safety of McCormick and McGee. Deputy Froggatt said Majewski had his arms at about 45 degrees out from his body moving them up and down in a very animated fashion. Deputy Froggatt told McGee to go inside, and he then focused his attention on Majewski. As he was walking towards Majewski, he could hear Majewski saying words similar to "bring it on", "I'm gonna kill you", "bring it on." At that time, Deputy Froggatt thought the words were still directed at McCormick.

Deputy Froggatt told me when he was about 20 feet from his vehicle, he saw that Majewski had an object in his right hand. Deputy Froggatt described the object as "long and narrow, approx. 18 inches long, dark in color", and he "perceived it as a pipe, a stick, or a piece of hose - something long and skinny."

Deputy Froggatt said he drew his weapon and continued walking towards Majewski, telling him to "drop the weapon." Deputy Froggatt said Majewski was still coming towards him yelling things like "bring it on, I'm gonna kill you, I'm gonna kill everybody." Deputy Froggatt said Majewski's attention was directed towards him (Froggatt) because he was directing Majewski to drop the weapon. Deputy Froggatt told me as he got to within approx. 40 yards of Majewski, he saw an object in Majewski's left hand which he thought was a firearm. Deputy Froggatt described the object as "what appeared to be a 6 to 8 inch dark metal object protruding 90 degrees

away from his knuckles." Deputy Froggatt said he continued to tell Majewski to "put down the weapons, drop the weapons." Froggatt told me he took cover behind a telephone pole (refer to attached diagram). Deputy Froggatt said Majewski continued yelling at him, refusing to put down either weapon. Deputy Froggatt indicated it was at about that point when Majewski started calling Deputy Froggatt by name, stating something like, "I'm not gonna put 'em down, you're gonna have to shoot me, Tom." Deputy Froggatt said he continued to tell Majewski to drop the weapons, but Majewski kept coming to within approx. 15 feet and changed his verbiage to "I'm not gonna put em down, you're gonna have to kill me." Deputy Froggatt said he (Froggatt) "back-peddled" approx. 50-60 feet and again took cover behind a lattice porch attached to the trailer in space #6. Deputy Froggatt said at that point, Majewski was still 25 or 30 feet from him. Deputy Froggatt said he was expecting Majewski to put down the weapons, but Majewski kept coming. Deputy Froggatt continued to tell Majewski to drop the weapons, but Majewski kept walking towards him at a "very determined, rapid pace." He said when Majewski got to within 10 or 15 feet, he decided to back away even further and moved back to the passenger side of the front of the car parked in between spaces #5 and #6, while continuing to tell Majewski to drop his weapons. Deputy Froggatt said Majewski approached to approx. the driver's side mirror area of the car and said "You're gonna have to kill me, Tom." Deputy Froggatt said he told Majewski "I don't wanna, I'm not gonna kill you, just put the weapons down." He said Majewski kept coming around the car towards Froggatt's location until they were directly across the hood of the car from each other, and that's when Deputy Froggatt fired his firearm. I asked why he decided to fire at that time, and he stated the following: "fearing for me, not knowing what was behind me"; "I had already retreated to my third location of cover, and he continued to threaten me and refused my directives to put down the weapons and stop"; "I had already turned my back on him once to make sure I didn't trip when I back-peddled"; "I felt I had no place else to go." Deputy Froggatt said he thought he fired his firearm three times. Deputy Froggatt said when shot, Majewski's torso spun in a clockwise direction about a quarter of the way around, and Majewski fell on his back. Deputy Froggatt moved around the car because Majewski fell to the ground out of his vision, and as he saw Majewski on the ground, Froggatt saw a hammer and approx. 12 inch knife lying next to him. Deputy Froggatt said about that time, Sgt. Cline tapped him on the shoulder and asked him if he had put it out over the radio that there had been shots fired, and Froggatt told him he did not recall. Froggatt said Sgt. Cline was in plain clothes, so Cline grabbed Froggatt's radio and informed dispatch shots had been fired.

Deputy Froggatt said he re-holstered and saw Majewski was bleeding, so he put on rubber gloves and called for E.M.S. (Emergency Medical Services). Deputy Froggatt said he is a trained E.M.T. (Emergency Medical Technician), and his "mindset now went to C.P.R." About that time a female, who Deputy Froggatt recognized as Majewski's wife,

started running towards their location and either tripped or sat down on the ground and started yelling and screaming. Sgt. Cline pulled Froggatt away and handed him off to either Detective Smith or Detective Beatley (during our interview, Froggatt could not recall which of the two detectives secured him). Sgt. Cline then contacted Majewski's wife. Deputy Froggatt could not remember who he was with first, but ultimately Detective Beatley drove him back to the Sheriff's Office. Deputy Froggatt said he never touched Majewski and the last time he saw him, Majewski was lying in the supine position and his eyes were open.

I asked Deputy Froggatt if at anytime he thought about deploying his "Tazer" instead of his firearm. Deputy Froggatt said, "I don't believe it was appropriate based on his behavior, and seeing some sort of weapon, weapons - one in each hand - I didn't feel it was an appropriate decision to draw my Tazer."

Attorney Chris Miller then asked Deputy Froggatt if at any time during the incident Majewski's demeanor ever changed from being angry, belligerent, and agitated. Deputy Froggatt said it didn't and, if anything, "it grew", and Majewski became more agitated. Attorney Miller asked Deputy Froggatt if, at the time he discharged his firearm, it was his belief the decedent would kill or injure him (Deputy Froggatt) or the subject in Froggatt's car. Deputy Froggatt replied "absolutely, I had an unsecured subject handcuffed, defenseless, sitting at my patrol car, and I felt I had no place to go with the threats he was making."

Approx. 1538 hrs. I requested we take a short break.

Approx. 1542 hrs. We resumed the interview.

I asked Deputy Froggatt from the time he got there until the time he discharged his weapon how many times he had told Majewski to drop the weapons, and Froggatt said "a minimum of ten times but probably more based on having to retreat to three locations, but at least ten times."

Earlier in the interview, Deputy Froggatt had told me about his prior dealings with Majewski and there had been three contacts: two on duty and one off duty. Froggatt told me he had been a first responder on a medical aid call for Majewski's wife, and one time Majewski called the Sheriff's Office complaining about the prices a local merchant was charging for beverages. Deputy Froggatt added that he had been at the Evergreen trailer park earlier that day (6/19/12) for an incident not involving Majewski, and he had actually spoke to Majewski and everything seemed fine.

I asked Deputy Froggatt about his off-duty contact with Majewski. Froggatt said he is friends with the park owner, Dave Saltel, and one day he stopped by Saltel's house and Majewski was coming out of the house. Deputy Froggatt described his talking with Majewski as "positive."

Cook, Gerald D. Jr. [REDACTED]
[REDACTED]

7/10/12 approx. 1100 hrs. I contacted Gerald Cook at his residence in regards to his history with Dennis (Jason) Majewski. (Gerald's brother, Todd Cook, told me that he and Gerald had been in a fight with Majewski a couple of weeks prior to the shooting incident.)

Gerald told me that he had known Majewski for approx. 6 months. Gerald said that he and Majewski were "almost friends", and that he (Gerald) had actually helped Majewski split firewood. Gerald said that he is friends with a lady named "Doris" who lived with Majewski for approx. two weeks before the fight, and Gerald visited Majewski's residence quite often. Gerald told me that approx. 2 weeks before the shooting Majewski came to his (Gerald's) residence and told him that he was having problems with "Doris" smarting off to him. Gerald said he went to Majewski's residence and spoke with "Doris." "Doris" said, "look what he did to me" and showed Gerald a bruise, which Gerald described as looking like a fist bruise, on her right shoulder. Gerald and "Doris" decided at that time to move "Doris" out of Majewski's residence. Gerald called his brother, Todd Cook, and told him to bring the truck so they could move "Doris." Gerald said Todd arrived and went in the residence to help "Doris" move her things while he (Gerald) tried to distract Majewski. Gerald said that at some point Majewski realized they were moving "Doris" out and "came flying out the door yelling and cussing" because "Doris" was supposed to be paying Majewski rent. Gerald said, "Jason was yelling at Doris, and Doris was yelling at Jason." Gerald said that Majewski "came at" him but his (Gerald's) brother, Todd, got in between them and Todd and Majewski started fighting. Gerald told me that Todd "pinned" Majewski to the ground and said he would let him up if he would stop fighting and calm down. Gerald said Majewski told them he would calm down, so Todd let him up. Gerald told me that Majewski immediately got up and ran into the residence. He said Majewski came back out of the residence with a large "Bowie" type knife and came at him (Gerald). Gerald said that Majewski attempted to stab both he and his brother Todd. Gerald said that he attempted to grab the knife from Majewski and his (Gerald's) thumb got cut. Gerald said that about that time, his father Gerald Cook Sr. arrived and "drug" he and Todd back to their residence. Gerald told me that the Sheriff's Office responded to the call and told them that due to the conflicting stories, if they arrested one person, they would have to arrest them all.

Gerald showed me an approx. 3/8th inch scar on his left thumb, which he said was a result of the cut he received when he attempted to take the knife from Majewski.

CANVASS FOR ADDITIONAL WITNESSES: At the request of District Attorney Hollister and direction of CHP Sgt. Jack Blomquist, CHP Officers Terry Dunn and Jeffrey Rood were assigned to canvass the entire Evergreen Trailer Park in search of potential witnesses. Officers Dunn and Rood accomplished this task during the evening of June 19, 2012, taking handwritten notes and audio recordings of each of the approximately seventeen interviews they conducted. The entirety of those interviews by Officers Dunn and Rood provided accounts materially consistent with the interviews previously noted in this report. Included in the statements taken from additional witnesses were the following comments attributable to Majewski just prior to the sound of gunfire: "Just bring it on"; "Bring it on"; "Bring it, Bring it, Bring it"; "I will cut you with this and beat you with this"; "Shoot me, go ahead, I want to die"; "I'm gonna kill you."

Other additional witnesses heard the Deputy state, "Stop or I'll shoot."

EVIDENCE REVIEWED: I viewed the scene immediately after the incident and before, during, and after the collection of evidence. During this time, I viewed both the decedent's hammer and knife near Majewski's body lying near his left side until their recovery by DOJ.

I attended the autopsy of Dennis (Jason) Majewski conducted at Washoe County Medical Examiner's Office and collected Majewski's clothing as evidence.

I reviewed the diagrams produced by both Deputy Froggatt and D.O.J.

I reviewed the photographs and videos captured by the Plumas County Sheriff's Office, D.O.J., and CALFIRE.

I reviewed the D.O.J. and CALFIRE reports.

I reviewed the audiotape interviews and supplements taken by assisting agencies.

I reviewed the photographs of Deputy Froggatt's uniform, safety equipment, and firearm taken by D.O.J.

7/17/12 approx. 1100 hrs. Investigator Jessica Beatley and I returned to the Evergreen Trailer Park. After interviewing Deputy Froggatt and reviewing his diagram, we wanted to measure the distance Deputy Froggatt retreated before discharging his firearm.

According to Deputy Froggatt's statement and diagram, he initially took cover behind the telephone pole just south of the trailer located in space # 6. As Majewski approached, Deputy Froggatt retreated to a lattice deck attached to the trailer in space #6 (approx. 35 feet from the telephone pole to behind the deck). Deputy Froggatt then retreated from behind the deck to behind the vehicle parked between space #5 and space #6 (approx. 35 feet from the deck to the area behind the vehicle).

Based upon our measurements, witness interviews, and the examination of other evidence, it appears that Deputy Froggatt retreated a total of approximately 70 feet before discharging his weapon.

All evidence, excluding Deputy Froggatt's uniform and safety equipment, will be maintained indefinitely by the Plumas County District Attorney's Office and will not be released absent a court order with an appropriate disclosure clause.

ARSON REPORT: On June 19, 2012 at 1826 hours California Department of Forestry and Fire Protection (Cal Fire) Investigators John Berglund and Shane Vargas were dispatched to 39300 Highway 70 in Quincy to investigate the fire to Majewski's mobile home. Vargas and Berglund arrived at 1939 hours and conducted an on-site investigation working into the morning hours of June 20, 2012.

Berglund and Vargas were able to determine the origin of the fire was the living room and were able to exclude most causes of the fire with the exception of arson, smoking, and other/miscellaneous (negligence). Arson was included as, prior to the fire, a witness had heard Majewski threaten to "burn the house down."

During the inspection of Majewski's mobile home, a DVR (Digital Video Recorder) and surveillance cameras were located. The DVR, which had suffered apparent smoke and fire damage, was seized as evidence (see separate section for further information).

Also of note during the inspection of the mobile home was the recovery of a dog which had expired. The cause of death of the dog is undetermined.

Refer to Cal Fire report authored by Captain Shane Vargas.

Note: This report was prepared and submitted prior to the determination the surveillance DVR located in Majewski's mobile home could be salvaged and viewed.

EVIDENCE COLLECTION / DEPT. OF JUSTICE REPORT: Within minutes of the shooting, CHP Officer Terry Dunn, other members of CHP, and 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 incident scene and accessible only upon authorization by the incident commander) and soft (law enforcement may enter as needed) scene were set. Incident scene security was maintained until the arrival of the Department of Justice criminalists.

Approx. 2000 hrs. Criminalists Anna Brewer and Kirsten Wallace arrived at the scene, photographed the scene and collected evidence. They used "X", "Y" coordinate measurements for all measurements taken. (Refer to attached "To Scale Diagram" and measurement notes). Located during their evidence collection were three expended 45 caliber shell casings on a woodpile located between space #5 and space #6. The three shell casings were consistent with the number of rounds fired based on Deputy Froggatt's statement, witness statements, and the number of rounds not in Deputy

Froggatt's duty weapon magazine. These three casings were subsequently compared microscopically by Kirsten Wallace with cases test-fired from Deputy Froggatt's Glock pistol and were found to be matches. (Refer D.O.J. reports attached for further detail)

AUTOPSY REPORT: An autopsy was performed on Dennis Majewski on June 20, 2012 at 9:00 a.m. by Dr. Ellen G. I. Clark, a pathologist with the Washoe County Medical Examiner's Office. I was present along with Washoe County Medical Examiner Investigator George Gomez. A report was prepared by the Washoe County Medical Examiner's Office concerning the autopsy of Dennis Majewski and submitted to the Plumas County District Attorney's Office on August 3, 2012. Dr. Clark found four gunshot wounds created from three bullets – two of the bullets remained in the body while the third exited the body, thus three bullets created four wounds. During the examination Dr. Clark found Majewski to have suffered a gunshot wound to the upper right neck / chest (no exit wound), the chest (no exit wound), and the right trunk (exit wound). The toxicology report based on blood and urine samples taken from Majewski found the presence of a variety of drugs including marijuana, morphine and hydrocodone. Additionally, at the time of death Majewski was found to have a blood alcohol concentration of .20. In conclusion, Dr. Clark opined Majewski "died due to gunshot wounds to his chest and neck."

DEPUTY FROGGATT'S TOXICOLOGY: On June 19, 2012, after the shooting and consistent with Plumas County Sheriff's Office policy (and law enforcement agency policy throughout California), a blood sample was taken from Deputy Tom Froggatt. Deputy Froggatt's blood sample was subsequently analyzed by California Department of Justice Senior Criminalist Thomas E. Vasquez on June 29, 2012 and found to have contained 0.00% alcohol.

DIGITAL VIDEO RECORDER ("DVR"): During the investigation of the fire at Majewski's trailer, on 6/19/12, Investigators Berglund and Vargas located surveillance cameras and a DVR which appeared to be connected to the cameras. The exterior of the DVR was badly burned in the fire, but it appeared as though the internal mechanism might be intact. Investigator Berglund felt that, given the circumstances, Majewski's actions may have been caught on the recorder. Investigator Berglund turned the DVR over to Detective W. Elliott. (Refer to Detective Elliott's supplement)
7/11/12 Investigator Jessica Beatley, assisted by Sgt. S. Peay, retrieved the burnt DVR from the PCSO evidence room. Investigator Beatley and I took the DVR to Joseph Fischer of Bullet Information Technology Solutions in Quincy, California. Fischer was able to retrieve the hard drive from the DVR but we were unable to view the video due to encryption. He also informed us that the brand of the DVR was Swann. On 7/24/12 we contacted Dave Preston of Plumas County Information Technology, who in turn

contacted Swann. Preston was able to determine that we needed a similar DVR to view any recordings saved in the hard drive. On 7/25/12 we ordered a Swann DVR from Amazon.com.

7/27/12 We received the new DVR, and Dave Preston installed the hard drive.

7/30/12 Investigator Beatley and I viewed the video contained in the hard drive. In the video, there appear to be 4 cameras connected to the DVR. One camera views the living room area, one camera appears to be attached to the front of the trailer and faces the parking area in front of Majewski's trailer and Funke's trailer, and two cameras appear to be on the roof of the attached porch of Majewski's residence, with one facing front and one facing back. (It should be noted that the date and time listed on the video are not correct. The date on the video is 6/18/12, and the time listed is approx. 1 hour and 5 minutes ahead of actual occurrences. This was determined by comparing times listed by Sheriff's Office dispatch and times listed on the DVR). We viewed the hours of 0000 hrs. to approx. 1725 hrs., at which time the video stopped operating, presumably due to the fire. The times referenced in this supplement are as they appear in the video.

The following times record actions pertinent in this case. During the remaining time, Majewski is sitting on the couch, talking with Cass, rolling what appears to be some type of cigarettes (unknown if tobacco or controlled substance), smoking them, walking around, or talking on the phone.

Approx. 6:58 a.m. Majewski comes into the living room.

Approx. 8:12 a.m. Majewski appears to inject something in his right arm.

Approx. 11:10 a.m. Two Sheriff's Office vehicles arrive, and Majewski is viewed leaving the living room. (This is when Froggatt told us he was at Daniel Funke's residence and spoke with Majewski on casual terms.)

Approx. 11:23 a.m. The two Sheriff's Office vehicles leave.

Approx. 11:45 a.m. Cass hands Majewski a piece of tinfoil. Majewski is seen manipulating something which cannot be seen in the video.

Approx. 11:55 a.m. Majewski can be seen with what appears to be a syringe in his mouth tying a tourniquet to his right arm. He then appears to inject something.

Approx. 2:31 p.m. Majewski again appears to inject something.

Approx. 2:43 p.m. Majewski appears to be smoking something in a clear glass pipe.

Approx. 2:59 p.m. Majewski has a drink of a dark colored liquid in a glass.

Approx. 3:04 p.m. Cass brings a bottle of clear liquid to Majewski.

Approx. 3:06 p.m. Majewski adds some of the clear liquid to his glass of dark liquid.

Approx. 3:30 p.m. Majewski goes outside and comes back in at approx. 3:46 p.m.

Approx. 3:00 p.m. Majewski is on the telephone.

Approx. 4:00 p.m. Majewski is seated on the couch and appears to be talking to someone, but not Cass, as she is seated to his right, and he is facing his left. Daniel Funke's dog is also inside Majewski's residence at that time.

Approx. 4:02 p.m. A male can be seen walking away from Majewski's trailer. It appeared to be Daniel Funke; however, his face is not visible.

Approx. 4:18 p.m. Majewski is sitting on the couch reading papers. Majewski suddenly throws the papers up in the air.

Approx. 4:21 p.m. Majewski is on the telephone and appears agitated.

Approx. 4:25 p.m. Majewski is on the telephone again and throws the phone.

Approx. 4:35 p.m. Majewski picks up a knife and holds it in his right hand while lying on the couch.

Approx. 4:37 p.m. Majewski drinks some more of the clear liquid from the bottle.

Approx. 4:41 p.m. Majewski repeatedly stabs an object on the coffee table then picks up another object, throws it in the air, and slices at it with the knife. Majewski goes towards the kitchen area and appears to throw something into the kitchen, where Cass is.

Approx. 4:43 p.m. Majewski pulls out a larger knife from under the couch and appears to be sharpening it.

Approx. 4:44 p.m. Majewski gets up, goes to the stereo, then appears to go outside.

Approx. 4:45 p.m. Cass can be seen cleaning something off the kitchen floor. Majewski comes back into view, now with a hammer and the knife, and starts smashing things with the knife and hammer.

Approx. 4:49 p.m. Cass picks up a container from the living room table and goes outside. A few seconds later, Majewski grabs the bottle of clear liquid and disappears from view.

Approx. 4:57 p.m. Majewski comes back into the residence and again starts smashing more things in the residence. Majewski then goes into the kitchen for a short time, but in the video, one cannot observe what he is doing. Majewski is in the same area where, at 5:12 p.m., a "flicker" and smoke is observed.

Approx. 4:59 p.m. Majewski walks outside and appears to be yelling at someone. He starts thrashing a bush which is next to his trailer with the knife and then walks out of view in a very determined manner. He does not appear in the video again.

Approx. 5:00 p.m. Majewski's dog goes back inside the trailer.

Approx. 5:02 p.m. Cass can be seen running towards the direction in which Majewski had gone. A few seconds later, Daniel Funke can be seen walking in the same direction in which Majewski and Cass had gone.

Approx. 5:12 p.m. "Flickering" can be seen in the kitchen, then smoke begins to develop in the kitchen area.

Approx. 5:25 p.m. The smoke becomes very thick in the trailer and the camera goes off. (For further detail refer to video)

(It should be noted that in checking the hard drive of the DVR it appears that the DVR did not become operational until 6/7/12. The DVR did not capture footage of the reported fight between Majewski and the Cooks on 5/31/12.)

INTERNAL AFFAIRS INVESTIGATION: 6/21/12 I met Butte County Sheriff's Office Sergeant Derek Bell. Sgt. Bell was identified by the Plumas County Sheriff's Office as the person designated to conduct the Internal Affairs Investigation of the incident. The Butte County Sheriff's Office was requested by the Plumas County Sheriff's Office to complete the I.A. investigation as an unbiased investigating agency.

Sergeant Bell and I drove to the Evergreen Trailer Park, and I walked him through the scene. I also briefed Sgt. Bell on witness statements and the statements of Deputy Froggatt.

I told Sgt. Bell I would provide him with a copy of my report, an opportunity to view all evidence, and any further information he would need to complete his investigation, upon his request.

Sgt. Bell was provided with the entirety of the case file, compact discs containing all still and motion video footage and provided an opportunity to view any physical evidence on August 2, 2012.

DR. DANIEL WILLIAMS: 7/3/12 approx. 1000 hrs. I contacted Dr. Daniel Williams, via telephone, in regards to Dennis (Jason) Majewski's medical history.

Dr. Williams told me Majewski has been a patient of his, off and on, for the past 10 to 12 years. Dr. Williams said he has been treating Majewski for chronic back and knee pain, and "opiate addiction." Dr. Williams added Majewski had a personality disorder and probably some undiagnosed heart illnesses. Dr. Williams told me Majewski was difficult to manage because he was "noncompliant." Dr. Williams said Majewski had been to just about every doctor in the county, but they had let him go.

Dr. Williams said Majewski is on "Kadian" (synthetic Morphine) and, from time to time, Morphine. Dr. Williams said in January 2012, he began a step down dosage reduction on Majewski's medications, and Dr. Williams thought Majewski was doing well. Dr. Williams said the last time he saw Majewski was April 25, 2012 for a medication refill.

Dr. Williams told me on the day of the incident, 6/19/12, Majewski had called his residence (Dr. Williams practices medicine out of his home) but Dr. Williams was out of town. Dr. Williams said Majewski talked to his (Williams') son Byron and told Byron he (Majewski) was "gonna come shoot both of them." Dr. Williams told his son to call the Sheriff's Office. (Refer to my supplement for further detail.)

DEPUTY FROGGATT'S AUDIO RECORDER: Deputy Froggatt's digital recorder was seized by Detective Beatley 6/19/12, along with Froggatt's uniform, duty weapon, and equipment. In Detective Mike Smith's supplement, he mentions Deputy Froggatt told him his recorder was on during the incident. Detective Beatley checked the recorder and found it had not been on during the incident. (Refer Detective Beatley's supplement). I spoke with Deputy Froggatt, and he explained that when he arrived at the call at Evergreen Trailer Park, he thought he had turned on his recorder but due to everything developing so quickly he was not sure if he did. The audio recorder will be retained for an appropriate time and will not be released absent a court order containing an appropriate non-disclosure clause.

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Submitted by:

 DA-1

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