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March 12, 2012

Dan Hughes, Acting Chief of Police  
Fullerton Police Department  
237 West Commonwealth Avenue  
Fullerton, CA 92832

**Re: Custodial Death on April 14, 2011  
Death of Inmate Dean Francis Gochenour  
District Attorney Investigations Case # 11- 009  
Fullerton Police Department DR # 11 - 23641  
Orange County Crime Laboratory Case # 11-44863**

Dear Acting Chief Hughes:

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the above-listed incident involving the April 14, 2011, custodial death of inmate Dean Francis Gochenour.

### OVERVIEW

This letter contains a description of the scope and the legal conclusion resulting from the OCDA's investigation of the April 14, 2011, custodial death of inmate Gochenour at the Fullerton City Jail (FCJ). In this letter, the OCDA describes the investigative methodology employed, evidence examined, witnesses interviewed, facts discovered, and the legal principles applied to determine whether criminal culpability exists on the part of any Fullerton Police Department (FPD) officer or any other person under the supervision of FPD.

On April 15, 2011, OCDA Special Assignment Unit (OCDASAU) Investigators responded to FCJ after inmate Gochenour died while in custody. During the course of this investigation, OCDA Investigators interviewed 10 witnesses, obtained and reviewed FPD reports, Orange County Crime Lab (OCCL) reports, autopsy report, incident scene photographs, and other relevant reports and materials.

The OCDA conducted an independent and thorough investigation of the facts and circumstances of this event and impartially reviewed all evidence and legal standards available. The scope and findings of this review are expressly limited to determining whether any criminal conduct occurred on the part of FPD officers or personnel in connection with the death of inmate Gochenour. The OCDA will not be addressing policy, training, tactics, or civil liability.

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It should also be noted that this letter, as well as the investigation and legal review contained herein, relate **only** to the limited determination regarding any criminal culpability on the part of FPD personnel as it relates specifically to the custodial death of inmate Gochenour. The result of OCDA's investigation and legal review relating to the conduct of FPD Corporal Vincent Mater in damaging his digital audio recorder (DAR) will be announced separately. **Nothing** in this letter is meant to reflect the result of the OCDA's investigation into that matter.

### **INVESTIGATIVE METHODOLOGY**

Among other duties, the OCDASAU is responsible for investigating custodial deaths within Orange County when an individual dies while in custody. An OCDASAU Investigator is assigned as a case agent and is supported by other OCDASAU Investigators, as well as Investigators from other OCDA units. Six Investigators are assigned to the OCDASAU on a full-time basis. There are additional OCDA Investigators assigned to other units in the Office trained to assist when needed. On average, eight Investigators respond to an incident within an hour of being called. The Investigators assigned to respond to an incident perform a variety of investigative functions that include witness interviews, scene processing and evidence collection, and hospital investigative responsibilities as needed. The OCDASAU audio records all interviews, and the OCCL processes all physical evidence related to the investigation.

When the OCDASAU Investigator has concluded the investigation, the file is turned over to a veteran deputy district attorney for legal review. Deputy District Attorneys from the Homicide or Gang Units review fatal, officer-involved shootings and custodial death cases and determine whether criminal charges are appropriate. Prosecutors assigned to the Special Prosecutions Unit review the non-fatal officer-involved shooting cases for possible criminal filings. Throughout the review process, the assigned prosecutor will be in consultation with his or her supervisor, and this Assistant District Attorney will eventually review and approve any legal conclusions and resulting memos. The case may often be reviewed by multiple veteran prosecutors, their supervisors and the District Attorney. If necessary, the reviewing prosecutor may send the case back for further investigation.

### **FACTS**

Gochenour was a 52-year-old male with prior alcohol-related arrests and a history of depression. According to his family members, Gochenour had no known attempts of suicide but had threatened to do so in the past with a gun or "suicide by cop."

On April 14, 2011, at approximately 9:48 p.m., Corporal Mater initiated a traffic stop on Gochenour for driving a vehicle in darkness without having any lights on in violation of Vehicle Code section 22450. Gochenour was exhibiting signs and symptoms of being under the influence of an alcoholic beverage. Though Gochenour declined to perform any of the field coordination tests and the preliminary alcohol screening (PAS) test, he was compliant and cooperative with directions given to him. Corporal Mater ultimately took Gochenour into custody for suspicion of driving under the influence of alcohol and/or drugs and transported him to the FCJ.

Corporal Mater told OCDA Investigators that, during the time that Gochenour was in Corporal Mater's patrol car, Gochenour stated that he [Gochenour] had made a mistake, that he had a prior DUI conviction, and that his sister was going to be upset with him. In addition, Corporal Mater told OCDA Investigators that Gochenour told him that he [Gochenour] recently lost a woman who had been important to him. Corporal Mater indicated to OCDA Investigators that he did not engage Gochenour in a conversation and that he did not ask him to expound on what was said. Corporal Mater indicated that he proceeded to continue in transporting Gochenour to the FCJ.

The 2-story FCJ was equipped with 18 video cameras, which record both audio and video, and were located throughout the jail facility. During the period of time relevant to this incident, the on-duty jailer was not constantly monitoring all 18 cameras. Some jail cells were also equipped with an old 2-way intercom system. From 10:20 p.m. to 11:24 p.m., Gochenour's movement on the first floor during the booking process was captured by two cameras. The first camera, identified as Channel 12, was mounted near the west wall of the jail facility and faced east. The second camera, identified as Channel 18, was mounted inside the booking cell. At approximately 10:20 p.m., Corporal Mater arrived at the jail and placed Gochenour in the booking cell by himself. While in this holding cell and during initial interaction with Corporal Mater, Gochenour made comments such as, "You got me," "I am a dead man walking," and "This is going to kill my sister."

When Corporal Mater was inventorying and counting Gochenour's money, Gochenour stated, "You can have it, I won't need it anymore," and "You are going to miss out on a good person." Some of these statements were said in a low voice and it does not appear that Corporal Mater or any other staff member heard these statements. When Gochenour was alone in the holding cell and not interacting with staff, he continued to make comments such as, "Worst day of my life," and "I am going to die, I am going to mother fucking die." On several occasions he said some sort of a prayer. At approximately 10:57 p.m., Gochenour was taken out of the cell and FPD Corporal Robert Kirk administered Gochenour's first breath test, which had a result of .28 percent blood alcohol concentration. At approximately 11:02 p.m., Corporal Kirk administered the second breath test, which had a result of .27 percent blood alcohol concentration. Once the breath tests were completed, FPD Jailer Carlos Medina began photographing and fingerprinting Gochenour and asked intake screening questions.

To Jailer Medina's question whether Gochenour had any "medical issues" such as diabetes, tuberculosis (TB), hepatitis, AIDS, or high blood pressure, Gochenour answered "no" to all the questions and said that he was healthy and was not taking any medications. When Jailer Medina asked Gochenour if he was suicidal or felt like hurting himself or anyone else, Gochenour immediately stated, "No." Jailer Medina asked Gochenour if he had ever tried to hurt himself in the past and Gochenour appeared to hesitate and then said, "No."

Gochenour asked Jailer Medina several times if he was going to be released that night and eventually was told that he was not likely to be released and may go to court in the morning. At 11:10 p.m., Jailer Medina asked Gochenour a second time if he had any "medical issues." Gochenour said, "No, none whatsoever," paused and then said, "Not yet." Jailer Medina responded by saying, "No don't, don't, don't think like that." Gochenour then said that he was teasing. At approximately 11:11 p.m., Gochenour was put into the booking cell and was provided the opportunity to make a telephone call. Gochenour did not know his sister Diane's telephone number and appeared hesitant about calling her. Jailer Medina provided Gochenour with a black felt tip pen along with Gochenour's sister Diane's telephone number. Using the felt tip pen, Gochenour wrote his sister's telephone number on his left arm.

When Gochenour was alone again in the holding cell, he made prayer-type comments and said, "Doesn't matter anymore" and "Dead man walking." At approximately 11:24 p.m., Jailer Medina took Gochenour out of the holding cell and took him to the second floor, where the individual jail cells are located. Jailer Medina provided Gochenour with jail-issued bedding and placed him in cell Number 6, a single person cell. Gochenour was wearing his beige shorts, dark plaid boxer undershorts, his blue/white printed short-sleeve button down shirt, and brown sandals. The following was captured by a camera identified as Channel 5, which was located at the west end of the corridor, two cells west of cell Number 6, and facing east:

- At approximately 11:25 p.m., Jailer Medina placed Gochenour inside jail cell Number 6, turned the overhead corridor lights out, and returned to the first floor of the jail facility. With these lights off, the camera view from the jailer office was dark with limited visibility near cell Number 6. Within seconds of the light going out, Gochenour could be heard saying some sort of a prayer.
- At approximately 11:27 p.m., Gochenour could be heard saying, "I can hang this right here," and "It's where I am going to die."
- At approximately 11:28 p.m., Gochenour could be heard saying, "I am going to hang myself right now, I am going to hang myself." Seconds later he said, "You people are stupid," and "Wrap that fucker right around my neck," followed by rustling noises.
- At approximately 11:30 p.m. to 11:31 p.m., there appeared to be movement near the top portion of the south facing cell bars in Gochenour's cell. The movement was followed by rustling noises and noises similar to that of someone blowing out of their mouth.
- At approximately 11:32 p.m., no identifiable noises could be heard coming from Gochenour's cell, just various noises coming from the sleeping inmates in the other cells.

On April 15, 2011, at approximately 12:39 a.m., Jailer Medina returned to the second floor to place an inmate into the detoxification tank and conduct an hourly safety check. Jailer Medina turned the corridor lights on, started with cell Number 3, and worked his way west toward cell Number 6. Jailer Medina did not recall if he ever used the audio portion of the monitoring system while he was downstairs during the above time frame.

Jailer Medina arrived at cell Number 6 and noticed Gochenour hanging by his shirt from a south-facing vertical steel bar just above the top, upper horizontal steel bar. The shirt was twisted and wrapped around Gochenour's neck and the vertical bar. Gochenour's back was against the bars, facing away from Jailer Medina. Jailer Medina was not sure how the ends of the shirt were fastened and believed Gochenour was elevated approximately three feet above the metal bed that was below him, with his feet possibly touching the mattress.

Jailer Medina immediately yelled out to Gochenour, activated the jail alarm, and ran downstairs to get assistance. While downstairs, Jailer Medina spoke to a dispatcher on the telephone and requested assistance in the jail. At approximately 12:41 a.m., Jailer Medina returned to the outside of Gochenour's cell with Records Clerk/Matron Lorraine Nowak. Standing outside of the cell, Jailer Medina used a department-issued safety knife to cut the shirt from around Gochenour's neck while yelling out to him. Jailer Medina believed it took three or four attempts before he was successful in cutting the shirt and getting Gochenour down.

Once the shirt was cut, Gochenour's body fell onto the mattress on the metal bunk below him. Gochenour was now in a seated position with his back resting against the steel bars. Jailer Medina then told Nowak to get help. Jailer Medina unlocked and partially entered the cell. He continued to yell to Gochenour, who did not respond. Jailer Medina exited the cell and ran downstairs. At approximately 12:42 a.m., Jailer Medina returned to Gochenour's cell with the following FPD personnel:

1. Lieutenant George Crum
2. Sergeant Eric Halverson

3. Sergeant Anthony Diaz
4. Corporal Mater
5. Corporal Raymond Flores
6. Corporal Michael Bova
7. Corporal Sam Coctino
8. Officer Joe Wolfe
9. Officer Ryan Warner

Jailer Medina, Sergeant Halverson and Corporal Mater entered the cell and made contact with Gochenour. Sergeant Halverson observed clear bubbles coming from Gochenour's mouth and that his eyes were partially opened and he was cold to the touch. Sergeant Halverson could not find Gochenour's pulse. Sergeant Halverson moved Gochenour from a seated position to a supine position for further evaluation.

During the move, Sergeant Halverson noted that Gochenour's head hit the steel bars. Using his flashlight, Sergeant Halverson checked Gochenour's eyes and noted no response to light stimulus and also observed that Gochenour was not breathing. As a result of Sergeant Halverson's observations (no pulse, not breathing, no reaction to light stimulus in his eyes and cold to the touch), Sergeant Halverson believed that Gochenour was deceased and therefore no cardiopulmonary resuscitation (CPR) was initiated. At approximately 12:42 a.m., Fullerton Fire Department (FFD) Engine Number 1 was dispatched to the jail in reference to a cardiac arrest.

At approximately 12:46 a.m., FFD personnel arrived at the jail, were advised that Gochenour was found hanging in his cell, and were directed to Gochenour's cell. At approximately 12:47 a.m., FFD personnel observed Gochenour lying in his cell on the bunk with his head and back partially against the south steel bars. Gochenour was repositioned and attached to an electrocardiogram, which indicated that he was "asystole" (absent heartbeat). Gochenour was cool to the touch, cyanotic from the shoulders up, and the rest of his body was pale. At 12:55 a.m., FFD personnel observed that Gochenour was absent lung sounds, had fixed pupils, had no pulse, absent heart tones and was asystole the entire duration of their contact.

On April 15, 2011, Corporal Mater submitted to an interview by OCDA Investigators and stated the following regarding his conduct during and after his contact with Gochenour:

Corporal Mater has been a Fullerton police officer for 14 years and was assigned to the patrol division, working Thursday through Saturday, 5:30 p.m. - 6:00 a.m. On April 14, 2011, at approximately 9:48 p.m., Corporal Mater was working uniformed patrol in a marked police vehicle when he observed a vehicle driving without its headlights on in the dark. Corporal Mater initiated a traffic stop and the vehicle pulled into the Del Taco parking lot located at 1155 East Orangethorpe Avenue in Fullerton, yielding without incident.

Corporal Mater contacted the driver, who was the sole occupant of the vehicle, and who identified himself with his California driver's license as Gochenour. Corporal Mater observed that Gochenour's speech was slurred, his eyes were bloodshot, and he emitted a moderate odor of alcohol. Corporal Mater had Gochenour exit his vehicle and sit on the front push bumper of the patrol vehicle. Although Corporal Mater did not request assistance, Officer Steve Rodriguez arrived on scene to assist. Gochenour told Corporal Mater he had been drinking "too much" at Jimmi's Bar & Grill. Corporal Mater attempted to administer field sobriety tests and also asked Gochenour if he would submit to a preliminary alcohol screen. Gochenour refused both.

Based upon the objective symptoms of Gochenour's intoxication, Corporal Mater arrested Gochenour for driving under the influence (DUI). Corporal Mater handcuffed, searched, and then sat Gochenour in his patrol vehicle. Officer Rodriguez remained at the scene to complete the vehicle impound paperwork while Corporal Mater transported Gochenour to the FPD. After arriving at the FPD, Corporal Mater completed a computerized booking form while he and Gochenour remained inside the patrol vehicle. During the time they were together inside of Corporal Mater's patrol vehicle, Gochenour made statements that he had made a mistake, he had a prior DUI conviction, and that his sister is going to be upset with him. Gochenour also commented that he recently lost a woman who had been important to him. Corporal Mater did not ask Gochenour to expound.

Corporal Mater brought Gochenour inside the FCJ where Corporal Kirk administered a breathalyzer test while Corporal Mater observed. After that was completed, Corporal Mater released custody of Gochenour to Jailer Medina who walked him upstairs to a cell. Corporal Mater remained at FPD for some time completing paperwork and was headed back to his patrol vehicle when dispatch called him on the police radio and requested he respond to the jail to assist the jailer. Corporal Mater responded to the second floor of the jail, where he observed Gochenour inside a cell, seated on the bed, slumped over, with his back toward the bars at the front of the cell. Corporal Mater stepped inside of the cell, however, he did not touch Gochenour, as Sergeant Halverson appeared to be checking for vital signs. Corporal Mater heard Sergeant Halverson call for somebody to summon paramedics. Corporal Mater indicated that he thinks he heard Jailer Medina say Gochenour had hung himself.

Corporal Mater indicated that he carries a digital audio recorder (DAR) on his person which he turned on when he originally made contact with Gochenour at the traffic stop. Corporal Mater told OCDA Investigators that he turned the DAR off after bringing Gochenour into the jail. Following the death of Gochenour, Corporal Mater stated that he attempted to download his DAR recordings onto FPD's computer system, per FPD policy. After several unsuccessful attempts to download his DAR recordings, Corporal Mater stated that he became frustrated and threw his DAR at a metal door and damaged it, therefore, his audio recordings were not downloaded.

Corporal Mater said there is nothing contained on that DAR which he would not want others to hear. Corporal Mater stated that he was unaware if Officer Rodriguez activated his DAR when he assisted the traffic stop.

Corporal Mater said from his initial contact with Gochenour to the time he released him to Jailer Medina, Gochenour was cooperative. Corporal Mater did not observe any signs of distress, nor did Gochenour verbally express any desire to harm himself. Corporal Mater stated that, when he was counting Gochenour's money as part of the property inventory, Gochenour commented, "Just keep it, I don't need it." Corporal Mater stated that he told Gochenour he was not going to keep his money; he was merely counting it for him.

As indicated above, this letter does not deal with any potential criminal culpability on the part of Corporal Mater as it relates to anything other than the death of Gochenour. In an attempt to ascertain as many facts as possible as it relates to what might have been on Corporal Mater's destroyed DAR, OCDA Investigators obtained a search warrant for the phone record of Corporal Mater's personal cell phone. This was done for two primary reasons: (1) Corporal Mater had his personal cell phone with him during his interaction with Gochenour, and (2) any statements made to or by Corporal Mater during his contact

with Gochenour are relevant to the OCDA's investigation into the death of Gochenour. A review of the phone records, in light of the other available evidence, revealed the following information and time line:

Corporal Mater's personal cell phone is related to a specific account number and the account holder is a member of Corporal Mater's family. Four separate phone numbers were associated with this account in what appears to be a family plan: a main landline and multiple cell phone numbers.

#### **APRIL 14, 2011**

At approximately 8:18 p.m., Corporal Mater's cell phone connected with one of the phone numbers associated with his account. Duration of the call was one minute.

At approximately 9:09 p.m., Corporal Mater's cell phone connected with one of the phone numbers associated with his account. Duration of the call was one minute.

At approximately 9:10 p.m., Corporal Mater's cell phone connected with one of the phone numbers associated with his account. Duration of the call was five minutes.

At approximately 9:48 p.m., Corporal Mater initiated a traffic stop on Gochenour's vehicle.

At approximately 10:20 p.m., Corporal Mater arrived at the jail and placed Gochenour in a booking cell.

At approximately 11:25 p.m., Jailer Medina placed Gochenour inside of jail cell Number 6.

Between 11:30 p.m. and 11:32 p.m., Gochenour hung himself.

#### **APRIL 15, 2011**

At approximately 12:39 a.m., Jailer Medina returned to the second floor and discovered Gochenour in the condition described above.

At approximately 12:42 a.m., Jailer Medina returned to Gochenour's cell with several FPD personnel, including Corporal Mater.

At approximately 1:35 a.m., Corporal Mater called Sergeant Diaz in reference to him "breaking" his DAR.

At approximately 3:27 a.m., Corporal Mater's cell phone connected with one of the phone numbers associated with his account. Duration of the call was five minutes.

At approximately 3:32 a.m., Corporal Mater called his voicemail system.

A review of the recording from Officer Rodriguez's DAR, which was activated when he arrived at the scene of Corporal Mater's contact with Gochenour, revealed an exchange between Corporal Mater and Gochenour consistent with the statement of Corporal Mater as indicated above.

## **AUTOPSY**

At approximately 4:08 a.m., Southwest Mortuary Services personnel arrived at the FCJ and transported the body of Gochenour to the Orange County Coroner's Office. At approximately 9:05 a.m., the post-mortem examination of Gochenour was conducted at the Coroner's Office by Orange County Forensic Pathologist Dr. Aruna Singhania. Dr. Singhania concluded that Gochenour's cause of death was ligature hanging. In addition, Dr. Singhania included in her autopsy report under "Other Conditions" that Gochenour had "Cardiomegaly; atherosclerotic cardiovascular disease; acute ethanol intoxication, clinical." Dr. Singhania concluded that the manner of Gochenour death was a "suicide."

## **EVIDENCE ANALYSIS**

The testing of Gochenour's post-mortem blood revealed the following:

| <b>DRUG</b>                | <b>MATRIX</b>     | <b>RESULT</b> |
|----------------------------|-------------------|---------------|
| Ethanol                    | Post-mortem Blood | Detected      |
| Tetrahydrocannabinol (THC) | Post-mortem Blood | Detected      |
| THC Acid metabolite        | Post-mortem Blood | Detected      |

## **THE LAW**

Homicide is the killing of one human being by another. Murder, voluntary manslaughter, and involuntary manslaughter are types of homicide. To prove that a person is guilty of murder, it must be proven that:

- a. The person committed an act that caused the death of another person;
- b. When the person acted he/she had a state of mind called malice aforethought; and
- c. He/she killed without lawful excuse or justification.

There are two kinds of malice aforethought, express malice and implied malice. Express malice is when the person unlawfully intended to kill. Implied malice requires that a person intentionally committed an act, the natural and probable consequences of the act were dangerous to human life, at the time he/she acted he/she knew his/her act was dangerous to human life, and he/she deliberately acted with conscious disregard for human life.

A person can also commit murder by his/her failure to perform a legal duty, if the following conditions exist:

- a. The killing is unlawful (i.e., without lawful excuse or justification);
- b. The death is caused by an intentional failure to act in a situation where a person is under a duty to act;
- c. The failure to act is dangerous to human life;
- d. The failure to act is deliberately performed with knowledge of the danger to, and with conscious disregard for, human life.

A person can also commit involuntary manslaughter by failing to perform a legal duty, if the following conditions exist:

- a. The person had a legal duty to the decedent;
- b. The person failed to perform that legal duty;
- c. The person's failure was criminally negligent; and
- d. The person's failure caused the death of the decedent.



Criminal negligence involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts with criminal negligence when he acts in a reckless way that creates a high risk of death or great bodily injury and a reasonable person would have known that acting in that way would create such a risk. In other words, a person acts with criminal negligence when the way he/she acts is so different from how an ordinarily careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of that act.

An act causes death if the death is the direct, natural, and probable consequence of the act and the death would not have happened without the act. A natural and probable consequence is one that a reasonable person would know is likely to happen if nothing unusual intervenes.

There may be more than one cause of death. An act causes death only if it is a substantial factor in causing the death. A substantial factor is more than a trivial or remote factor; however, it does not need to be the only factor that causes the death.

### **LEGAL ANALYSIS**

In this case, there is no evidence of express or implied malice on the part of any FPD officer, any inmates or other individuals under the supervision of FPD. Thus, the only possible type of homicide to analyze in this situation is murder or involuntary manslaughter under the theory of failure to perform a legal duty.

Although FPD personnel owed Gochenour a duty of care, there is no evidence to prove a finding that this duty was breached – neither intentionally (as required for murder) nor through criminal negligence (as required for involuntary manslaughter).

FPD Jail staff members conducted a medical screening interview and, based on the totality of the available evidence, FPD staff did not have any reason to believe Gochenour posed a danger to himself. Gochenour cooperatively answered all medical screening questions and indicated that he was not suicidal.

In reviewing the facts relating to this case, the suspicious conduct of Corporal Mater in destroying his DAR is of grave concern. If during their interaction, Gochenour had stated something to Corporal Mater about his intent to commit suicide, and Corporal Mater failed to act reasonably in response to such statement, then it would be legally plausible to conclude that Corporal Mater was negligent in carrying out his duties, including his duty to care for a subject in his custody. It is for this reason that OCDA obtained a search warrant for Corporal Mater's personal cell phone to see if the records shed any additional light on the interaction between Corporal Mater and Gochenour. As described above, the cell phone records of Corporal Mater shed no further light on his contact with Gochenour. There is, however, no affirmative evidence showing that Corporal Mater was aware of facts that would have caused a reasonable person to believe Gochenour intended to kill himself.

It should also be noted that during his interaction with Jailer Medina and Corporal Kirk, Gochenour did not behave in a manner indicating that he was going to harm himself. The conduct of Corporal Mater in damaging his DAR remains of grave concern to the OCDA, as the DAR itself would be the best evidence of Gochenour's conduct and statements while he was in the presence of Corporal Mater.

**CONCLUSION**

Based on all the available evidence reviewed by the OCDA and pursuant to applicable legal principles, it is my legal opinion that the evidence is insufficient to prove beyond a reasonable doubt that Corporal Mater is criminally culpable for the death of Gochenour. In addition, it is my legal opinion that there is a lack of any credible evidence of criminal culpability on the part of any other FPD officer or any personnel under the supervision of FPD. It is my conclusion that Gochenour died as a result of suicide by hanging.

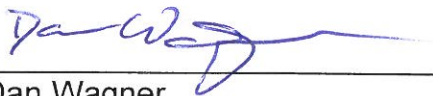
Respectfully Submitted,



**EBRAHIM BAYTIEH**

Senior Deputy District Attorney  
Homicide Unit

Read and Approved,



Dan Wagner  
Assistant District Attorney  
Head of Homicide Unit