

OFFICE OF THE **ORIGINAL**  
DISTRICT ATTORNEY

SACRAMENTO COUNTY

JAN SCULLY  
DISTRICT ATTORNEYCYNTHIA G. BESEMER  
CHIEF DEPUTY

February 15, 2002

Arturo Venegas  
Chief of Police  
Sacramento Police Department  
900 Eighth Street  
Sacramento, CA 95814

Re: Officer involved shooting: SPD Case No. 01-55853  
Shooting officers: Officer Michael Lommori, # 632  
Person shot: Leroy Frank Cassinelli

Dear Chief Venegas:

In the above referenced matter, I have received the reports by your department; including the associated videos and photographs; the reports of District Attorney Investigators Loehr and Tourte; and Coroner's Report 01-3295. Having reviewed the material, I conclude that the shooting was justified.

**FACTS**

On July 12, 2001, just after 6:00 p.m., Sacramento Police officers were dispatched to a location in the 800 block of 49th Street concerning an incident where a woman had just left a house and a shot had been fired. Responding officers learned that [REDACTED], age 85, had escaped the house and that Leroy Frank Cassinelli, age 83, was still in the house, was distraught and possibly

suicidal. Numerous officers responded, and once the situation was evaluated, the SWAT team responded.

Telephone contact was made with Cassinelli, and negotiators attempted for over an hour to convince him to surrender. After a period of time, Cassinelli went to the porch of the residence. By this time it was dark, and officers illuminated the area with two spotlights. They could then see the subject seated on the porch with a long gun. Cassinelli put the barrel of the gun under his chin, and fearing that he might kill himself, SWAT Sergeant Keith Jenson directed one of the lights be turned off. Cassinelli brought the gun down to a port arms position, then pointed it in the general direction of the officers. He lowered the gun from his shoulder, then brought it back up again, pointing it in the direction of Officer Risley and Officer Lommori. At that point, Officer Lommori fired a single shot, which struck Cassinelli in the chest.

Cassinelli was transported to the hospital, where he underwent surgery, but on July 15 he expired. The single shot had passed through the upper and lower lobes of the left lung, and had grazed the heart.

██████████ told officers that she and Cassinelli were both widowed, and had been in a dating relationship for two years. She had decided to end the relationship, and had gone to his house that afternoon and told him that. He began drinking alcohol (brandy or bourbon), grabbed her, shook her, tried to remove her top and her bra, and slapped her. He displayed a handgun to her, but at one point he put it down, and she was able to hide it from him. He then got his shotgun, and said he was going to shoot himself. When he went into the kitchen, she was able to run from the house. About 20 minutes later she heard the sound of a shot from him shooting the shotgun inside the house.

Later investigation revealed that although he told ██████████ he did not intend to kill her, during the course of the afternoon and evening Cassinelli telephoned others and told them he intended to kill her and then kill himself.

#### ANALYSIS:

A peace officer, as well as any citizen, may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of another. In addition, a peace officer may use deadly force in order to apprehend a person who has committed a dangerous felony (i.e. one involving threatened infliction of serious physical harm). Penal Code sections 196 and 197. Tennessee v. Garner (1985) 471 U.S. 1; Kortum v. Alkire (1977) 69 Cal. App. 3d 325. California law permits the use of deadly force if the person actually and reasonably believed he or another was in imminent danger of death or great bodily injury. CalJIC 5.51.

Under these principles, Officer Lommori clearly had the right to act in defense of himself and other officers. Cassinelli had held ██████████ against her will, threatened to kill himself, fired a shot, and refused to surrender. He had then aimed his gun at the officers on the scene. The situation gave officers little choice.

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Given the circumstances, Officer Lommori was justified in using deadly force in self-defense. We find the shooting was lawful, and will not take any further action in the matter.

Thank you for referring the case for our review.

Very truly yours,

JAN SCULLY  
DISTRICT ATTORNEY



ALBERT C. LOCHER  
Assistant Chief Deputy District Attorney

cc: Lt. Steve Campas  
Officer Michael Lommori  
Don Casimere, Office of Police Accountability

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01-55853



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Given the circumstances, Officer Lommori was justified in using deadly force in self-defense. We find the shooting was lawful, and will not take any further action in the matter.

Thank you for referring the case for our review.

Very truly yours,

JAN SCULLY  
DISTRICT ATTORNEY



ALBERT C. LOCHER  
Assistant Chief Deputy District Attorney

cc: Lt. Steve Campas  
Officer Michael Lommori  
Don Casimere, Office of Police Accountability

*City of*  
**SACRAMENTO**  
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KATHERINE LESTER  
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**Report Number: 2001-60592**

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Records or information, the disclosure of which would compromise the anonymity of whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Records or information, the disclosure of which would reveal personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure of the information (Cal. Pen. Code § 832.7(b)(7));

Records or information wherein the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure (Cal. Gov. Code § 7922.000); and

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 7927.705; see also Cal. Const. art. 1 Sec. 1).

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