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**PRESS RELEASE**  
**FACTS AND CONCLUSIONS RELATED TO SHOOTING DEATH**  
**OF BURNEY U.S. BANK ROBBER**  
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**INTRODUCTION**

I have completed my review of the facts related to the shooting death of Gregorio Arguetta Estrada, age 47. (Mr. Estrada was known by various names, but I will use the last name of Estrada throughout.) Estrada was shot by a SWAT team member of the Sheriff's Office following a bank robbery of the U.S. Bank on December 15, 2009. Because the case involves the shooting of a civilian by a law enforcement officer, the Officer Involved Critical Incident protocol was implemented. That means several law enforcement agencies were called to assist in the investigation. Under the protocol, the Redding Police Department took the lead in the investigation because members of the Sheriff's Office were involved in the shooting.

My job in reviewing the case is to ensure the integrity of the investigation and to determine whether the shooting by law enforcement was justified. First, I looked at the integrity of the investigation. As part of the review of this case, I read hundreds of pages of police reports, statements of the officers who fired their weapons, the autopsy report, over 3 hours of video surveillance from the bank, hundreds of photos, video footage of the incident from bystanders, personally viewed the scene and spoke with bank employees who were present during the robbery. The investigation was extremely thorough and factual but also included a tremendous amount of discussion related to the mental processes of those involved. I find the investigation was fair and unbiased.

Next, I must review the appropriateness of the shooting of Estrada given all the circumstances present at the time. To do this, I will detail the events of that day based on all the information I have received.

**FACTS**

Although he had worked for brief periods of time in eastern Shasta County, Gregorio Arguetta Estrada was living in the Chico area at the time of his death. He was living alone. Estrada was in debt and out of work. For an unknown reason, Estrada travelled to Redding and checked into the Red Lion hotel

hotel on December 14, 2009 for a 2 night stay. He paid in cash and was alone. A check of the hotel room after the shooting did not reveal anything that suggested why he engaged in this type of conduct.

On the morning of December 15, 2009, Estrada hired a taxi to take him from the hotel to a bus stop in Redding. At about 10:35 he boarded a RABA bus in Redding en route to Burney. The driver recalled that Estrada wanted to be let off the bus in the middle of Burney instead of the scheduled bus stop. The driver did not comply. Estrada left the bus at the scheduled stop in Burney at about 11:50 a.m. No weapons were visible and he was not wearing a beanie or sunglasses at the time. Estrada then walked toward the area of the U.S. Bank located on highway 299 in Burney.

Shortly after noon, the U.S. Bank was staffed with 4 employees. There were 2 tellers (Jill and Charlene) who were at their stations, one employee, Lisa, was located in the ATM room on the phone with a supervisor from the Redding area and another employee, Shari, was at her desk in the front area of the bank. Two customers were also in the bank at the time. The male customer, Tim, was located at a teller station being helped by bank employee Jill and a female customer, Gloria, was at another teller station being helped by bank employee Charlene.

The bank's video surveillance camera shows Estrada entering the bank through the front doors at approximately 12:14 p.m. (A copy of the significant portions of the lengthy video is available for the media.) The video reveals that Estrada immediately pointed his 9mm handgun at the back of Tim's head as Tim stood at the teller station. Estrada's weapon did not fire because he apparently had failed to "chamber" a round in the handgun. Estrada "chambered" a round and immediately fired at the back of Tim's head. Tim immediately dropped to the ground with a bullet wound to the back of the neck area. Jill, the teller at that time, dropped to the ground behind the teller station to protect herself.

Estrada then turned his attention to Gloria and approached her. As he did so, he aimed and fired his gun at her. The bullet struck her in the left wrist area. She too, fell to the ground immediately. Gloria was alert enough to realize what had occurred and made a conscious decision to stay on the ground and pretended to be dead. She did not move for nearly 3 hours despite the serious wound to her wrist and the obvious associated pain.

Shari, the bank employee sitting at her desk in the front area, dropped underneath her desk once the shooting started. She activated the silent alarm. She remained in that position under her desk for nearly 3 hours.

Lisa, the bank employee who was in the ATM room hid in that room, but remained on the phone, giving critical information regarding the suspect's description and a brief description of what was occurring. However, given her position of hiding and the dangerousness of the situation, she could not provide additional descriptive information.

After shooting Tim and Gloria, Estrada moved into the teller area behind the counter and demanded money. Charlene provided the money she could from her station. Estrada was dissatisfied with this amount and he told Charlene to get more. Charlene then went into the vault and obtained more money which ultimately totaled \$19,000. Estrada put this money in a laptop bag.

A bank phone rang and Estrada directed Charlene to answer the phone. After a brief conversation, she hung up the phone. Estrada then asked if she had a vehicle there. She told him no. He then asked about other employees having vehicles there and where their keys might be. Charlene told him that the individual employees would have possession of their keys.

Estrada asked her if she had activated the alarm. She said she had not. He told her to do so. At about that time, Charlene saw the Sheriff's vehicle pull up in front of the bank.

Sheriff's deputies received the call of a robbery and within minutes, Shasta County Sgt. Marc St. Clair arrived in his Sheriff's SUV and pulled in the front area of the bank. Before Sgt. St. Clair could exit his vehicle, Estrada fired multiple rounds with the .50 caliber handgun. The Sheriff's vehicle was struck numerous times, but Sgt. St. Clair was not hit. Sgt. St. Clair called for assistance. Estrada's shots were fired over Shari's desk toward the Sheriff's vehicle.

Tim was obviously disoriented from the gunshot wound. He attempted to get to his feet and move with great difficulty. Approximately 6 minutes after being shot, Tim rose to his feet and began to stagger in the area where he had been shot. At this time, Estrada asked Charlene to walk Tim out of the bank. She complied and Tim, wounded and bleeding, left the bank with Charlene's assistance. Charlene then returned to her station inside the bank. She was told by Estrada to get down in the area where Jill was hiding. These 2 tellers remained together, holding each other.

Tim wandered outside and got into his vehicle, attempting to drive away. Officials convinced Tim to seek medical aid. He eventually agreed and was taken to the hospital.

The bank phone rang again and Estrada ordered Charlene to answer the phone. She complied. After she hung up, she went back to Jill and huddled together for the next couple of hours. As shots were fired, glass from the breaking windows fell around Jill and Charlene.

Shortly thereafter, Deputy John Meeker arrived in another Sheriff's vehicle and took a position in the back area of the bank. His vehicle also took gunfire from Estrada. Citizens in the area and law enforcement from numerous agencies responded over the next couple of hours. As law enforcement assistance arrived, Estrada continued to fire from inside the bank generally in the direction of law enforcement.

Witnesses observed Estrada with two firearms that were later identified as a 9mm handgun, used to shoot both Tim and Gloria, and a .50 caliber handgun.

As law enforcement arrived and surrounded the bank, Sheriff's officials attempted to contact the suspect inside the bank by telephone and later by Public Address system. According to witnesses, it seemed that every time the phone rang or the PA system was used, Estrada would fire his weapons.

A command post was established to coordinate activities. The Sheriff's SWAT team arrived and took up positions around the bank. The Redding Police Department SWAT team also arrived and took up positions.

Numerous efforts were made to open communications with Estrada. However, Estrada never communicated or even made an attempt to communicate with law enforcement or anyone outside the bank except by firing his weapons.

Inside the bank, Lisa remained hidden in the ATM room and on the phone. She did not move for nearly 3 hours. She feared that the robber would find her if he entered the room to steal money from the ATM machine. The 2 tellers, Jill and Charlene, remained huddled under the teller station for the nearly 3 hour standoff. They comforted each other. The two women took off their wedding rings and concealed them under a rug to keep the robber from getting them.

Shari remained hidden under her desk without moving during the 3 hours. The location of her desk was in front of a window that Estrada shattered with gun fire towards Sgt. St. Clair's Sheriff's vehicle. The shots were just over her desk out the front windows and caused glass to fall around her. She feared that a shot could penetrate her desk and injure her.

Estrada spent nearly all of his time in the area of the vault and vault door. The door provided good cover for him to fire his weapons. Estrada fired many shots out the back window area where the drive-through teller window is located. That is also the area where Deputy Meeker had parked his Sheriff's vehicle. Estrada seemed to switch between the 9mm and the .50 caliber weapon, although most of his shots were from the .50 caliber weapon. The witnesses could hear Estrada reload. Some of the shots he fired struck vehicles and buildings outside the bank.

Outside the bank, SWAT officers were evaluating the situation. Up until 3:00 p.m., no law enforcement officer fired a shot. All shots fired were from Estrada. When law enforcement arrived, they received reports that a customer was shot and down in the bank. They did not know whether the customer was alive or needed assistance. They initially had conflicting descriptions of the robber and did not know exactly how many robbers were involved. Officers were also unclear as to the location of all the bank employees, except the one on the phone, since all were in hiding and not visible. They were unsure whether they were dead or alive. Officers observed Estrada from time to time moving around the vault area. Sometimes he had a weapon in his hand and other times he did not. Officers did not know whether Estrada was alone or working with another inside or outside the bank.

Eventually, SWAT command members at the command post confirmed Estrada as the robber and gunman and made the decision to act. They considered the fact that Estrada had already shot 2 people, fired upon law enforcement, refused to answer calls for communication made via phone and PA system, was holding at least one hostage and possibly several more, and that at least one person, if not dead, was injured and in need of medical assistance.

Based on all the above, the joint command team decided that if Estrada made any move toward any hostages, they were ordered to shoot Estrada. Within minutes, Sheriff's SWAT team members Jason Gassaway and Troy Clegg, who were positioned outside the back area of the bank with a difficult view of Estrada's location near the vault, radioed that they had Estrada in view with a firearm in his left hand. The view was through a hole in the glass window near the drive-up teller window at an oblique angle. They knew that the vault provided a background for their shots so that the hostages and other civilians would not be injured. They confirmed the order to shoot. Then, at approximately 3:04 p.m., Deputy Gassaway and Deputy Clegg fired their rifles. Deputy Gassaway's first shot struck Estrada in the chest, causing Estrada to fall to the ground. As planned, numerous SWAT members from the Sheriff's Office and RPD immediately entered the bank.

Estrada was found on the floor near the vault with both of his weapons near him. He was still moving around, possibly trying to reach his weapon. Officers pulled Estrada out from behind the counter area to the lobby; a more secure area. He was handcuffed. Other officers searched the bank for the hostages and looking for other possible suspects. The officers located all present and secured the bank within a short period of time. Medical assistance was provided to Estrada within minutes, but he died as he was being transported to Redding for medical treatment.

It is unclear exactly how much time passed between Estrada's last shot and the time SWAT members fired upon Estrada. Estimates range from 45 minutes to 90 minutes. In either case, it is clear that some amount of time passed when Estrada did not fire. However, at no time did Estrada make any effort to resolve the matter.

Inside the bank, officers located the laptop bag with \$19,000 located inside and numerous 9mm rounds. On the floor, they located a 9mm handgun (semi-auto) and several bullets for the gun. Also, located on the floor was a .50 caliber handgun (revolver) with numerous bullets. Casings of spent bullets were also found strewn around the floor in the vault area. It appears Estrada fired 42 shots based on casings found at the scene- 17 with the 9mm and 25 with the .50 caliber. Review of the officers' weapons reveal that Deputy Gassaway fired 3 times and Deputy Clegg fired 2 times.

At the autopsy of Estrada, Dr. Susan Comfort determined that Estrada was struck one time in the chest. The wound ultimately proved to be fatal.

## **ANALYSIS**

Under the law, I must determine whether the officers were justified in killing Estrada. To determine whether the officers were justified requires that I view the facts through the eyes of a reasonable officer facing the same or similar circumstances. Then I must determine whether a reasonable officer would have felt fear of death or serious bodily injury to himself or others given those same facts. In other words, based on what the officers knew and saw at the time, was it reasonable for them to feel fear of death or serious bodily injury to themselves or another? If so, the officers were justified in using deadly force.

Based on the information officers had received and their observations, the decision to shoot Estrada was justified. From the time efforts to communicate with Estrada failed, the officers were justified in using deadly force to prevent additional injuries or death to the bank employees who were being held hostage inside, to officers surrounding the building, and to civilians in and around the area of the bank. Estrada's proximity to the hostages with 2 available firearms that he had repeatedly used in a dangerous manner made the threat an on-going imminent threat. Therefore, I find the officers actions legally justified.

## **CONCLUSION**

It is a miracle that no one was killed in this incident. Estrada shot two people at close range. He fired at a deputy as he pulled up to the bank and others as they arrived. Estrada indiscriminately fired into the street outside the bank, striking objects, but no people. Hostages were held, but none were shot for nearly 3 hours. When officers fired, they struck only Estrada and incapacitated him immediately and entered without any injuries.

My sympathies go out to Tim and Gloria for the injuries they suffered. No one goes to their neighborhood bank expecting to be shot. I am thankful that each responded in a way that saved their lives. I wish them a speedy recovery.

I applaud the patience, trust and courage shown by the bank employees. Their actions in the face of such terror clearly saved their own lives and the lives of each other.

I must also thank all the officers for their skill, training, execution of plans, and bravery. Their actions clearly saved lives that day. They are not always called upon to face this type of direct threat, but it is comforting to know that when they are called upon to do so, they face the threat effectively.