



OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SHASTA



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District Attorney

The Shasta County District Attorney's Office has completed its review of the May 5, 2017, fatal shooting of Danial Bissell by Walter Gordon. After a thorough review of all available evidence, the District Attorney has determined that no criminal charges will be filed against Mr. Gordon.

The investigation of the shooting was conducted by the Redding Police Department. Redding Police investigators gathered physical evidence and spoke to numerous witnesses in an attempt to provide a complete picture of the events that led up to Mr. Bissell's unfortunate death. Following the conclusion of their investigation, Redding Police presented the case to the District Attorney's Office. The role of the District Attorney in this type of investigation is to thoroughly review the facts of the case and make a determination whether there is evidence of a crime that can be proven beyond a reasonable doubt.

FACTS OF INCIDENT

At approximately 7:04 am on May 5, 2017, Redding Police were dispatched to an apartment complex located on Layton Road in the City of Redding on a report of a gunshot victim. When police arrived, they were met by Walter Gordon, 40, of Redding. Gordon was cooperative with the officers and identified himself as the shooter. Officers also located Danial Bissell, 44, of Redding lying at the bottom of a stairwell. Officers observed a large kitchen knife in Bissell's back pocket with the blade facing up. Bissell's death was later found to have been caused by a single shotgun wound to his abdominal area.

In the course of the investigation, it was determined that Bissell had arrived on foot at the Layton Road apartment complex a short time before he was shot by Gordon.

Through interviewing of witnesses, police investigators were able to reconstruct the activities of Bissell before he arrived at the Layton Road location.

At the time of his death, Bissell lived in an apartment on Kerryjen Court in Redding with his girlfriend. According to witnesses, Bissell had struggled with mental health issues that were exacerbated by use of alcohol.

At around 5:30 am on the morning of May 5, one of Bissell's neighbors reported that she heard him outside, barking like a dog. Approximately 45 minutes later, this neighbor left her apartment to walk her dog and noticed that Bissell was in his apartment with the door open. As she walked, she noticed Bissell following her. At one point, she noticed Bissell standing a

cluster mailbox attempting to open the mailbox with a key. She believed this was odd as the mailbox was not the one used by Bissell. Bissell was also noticed yelling at the mailbox.

On the same morning at approximately 6:00, another neighbor noticed Bissell standing outside his apartment talking to a rose bush. This neighbor contacted Bissell and asked him inside his apartment so Bissell would not disturb other neighbors. Bissell came inside, but ultimately left the neighbor's apartment. During this contact, the neighbor noted that Bissell smelled strongly of alcohol.

Bissell was then observed walking away from his apartment building. A few minutes later, citizens at the Layton Road apartment complex saw Bissell on the premises. The two locations are within walking distance of each other.

Approximately 10 minutes before the shooting, an occupant at the Layton complex reported hearing knocking and yelling near her apartment.

Walter Gordon first became aware that something was amiss in the apartment complex when his children came into his bedroom to report that "some weird guy" was knocking on the door. Gordon left his apartment to investigate and saw Bissell standing in front of some bushes in front of the apartment building. Gordon asked Bissell what he was looking for. Bissell's response did not make sense.

Gordon went briefly into his apartment in order to put on a shirt and then came outside to check on what Bissell was doing. This time, he observed Bissell knocking on the door of a neighbor's apartment. Gordon knew that this particular neighbor was elderly. At this point, he also noticed that Bissell had a large kitchen knife in his back pocket.

Concerned about these circumstances, Gordon went back into his apartment and retrieved his shotgun. He loaded the shotgun and set it against the wall on the inside of his apartment. He also sent his children to their bedroom.

Gordon then stepped out of his apartment and again saw Bissell knocking on the same neighbor's door. Gordon asked him what he was doing, and Bissell responded by saying he needed to get some diapers.

Gordon was concerned about Bissell's mental status, and the fact he was in possession of a knife. Gordon also knew that this was the time of the morning when residents of the apartments would be leaving their homes to go to work and school. With this information in mind, Gordon made the decision to call 911 and to retrieve his shotgun.

Gordon was able to communicate with the 911 operator via a hands free device after he left his apartment. He stayed on the phone with 911 throughout the entire incident.

After retrieving the shotgun, Gordon started to step down the stairs so he could see Bissell. He saw that Bissell was now walking toward a courtyard and playground located in the center of the apartment complex.

Still concerned about Bissell's strange behavior, Gordon pointed the shotgun at Bissell and told him to stop and put his hands up. Gordon was hoping to detain Bissell until the police could arrive. Gordon hoped that the police would detain Bissell for mental health treatment.

Gordon was able to get Bissell's attention. After initially starting to put his hands up, Bissell then began walking up the stairs toward Gordon. Seeing this, Gordon retreated back up the stairs towards his own apartment. In doing so, Gordon was attempting to keep distance between himself and Bissell.

Bissell then lunged for the shotgun and was able to grab it by the end of the barrel. Bissell pulled on the barrel, causing Gordon to step down the staircase a few steps. Gordon tried to pull the shotgun away from Bissell but was unable to do so due to the fact that Bissell's grip was assisted by sights attached to the barrel of the shotgun.

Concerned that Bissell would be able to get the gun away from him and use it against him or someone else, Gordon pulled the trigger once, shooting Bissell at close range with the shotgun. Bissell was struck in the abdomen, causing him to release his grip on the shotgun and fall to the ground. Bissell died at the scene. Redding Police arrived within 2-3 minutes following the shooting and began their investigation.

CALIFORNIA LAW REGARDING USE OF DEADLY FORCE IN SELF DEFENSE

Under California law, a civilian has the right to protect himself under certain circumstances. In circumstances such as this case, when deadly force is used, a person may defend himself under all of the following circumstances:

1. He reasonably believes that he is in imminent danger of being killed or suffering great bodily injury
2. He reasonably believes that the immediate use of deadly force is necessary to defend against that danger
3. He used no more force than was reasonably necessary to defend against the danger

The general standard for any self-defense is that the actions taken by the person claiming self-defense must be reasonable under the circumstances. When determining what is reasonable, the situation is examined from the point of view of the person who used the force. This means one has to consider all of the circumstances as they appeared at the time. If, under all of those circumstances, the person's actions were reasonable, he acted in lawful self-defense and is not criminally liable for his actions. Put another way, the question to be answered is this: would a reasonable person in the position of the person who used deadly force have felt the need to

defend himself? If the answer is yes, then the person acted in self-defense. Finally, a person who is legally entitled to act in self-defense is under no obligation to retreat, even if he is physically able to do so.

CONCLUSION

In reaching our decision in this case, the responsibility of the District Attorney is to examine the facts of this case in light of the applicable law. There are several factors which support Gordon's reasonable fear for his safety and his decision to use deadly force.

On the morning of the shooting, numerous witnesses observed Bissell acting in a bizarre manner. He was observed acting irrationally and apparently under the influence of alcohol. (Later forensic analysis of his blood revealed a blood alcohol concentration of .146.) Somehow, Bissell ended up at the Layton Road apartment complex where he continued his strange behavior.

At the time Gordon came into contact with Bissell, Bissell was attempting to contact someone he did not know while armed with a large knife. When asked about his reasons for being at the location, Bissell made no sense. Gordon had reason to fear for the safety of the residents of the complex who could have soon come into contact with Bissell in his unpredictable state.

Unsure of Bissell's intentions, Gordon attempted to detain him while at the same time calling for police assistance. For unknown reasons, Bissell reacted negatively to Gordon's attempts to detain him. He grabbed the gun and attempted to pull it from Gordon's grasp.

At this point, Gordon was faced with an erratic and unpredictable person who was attempting to gain control over a loaded gun. Under these circumstances, firing the gun at Bissell was a reasonable way to end the threat.

Undoubtedly, the death of Bissell is tragic. The evidence suggests mental illness, alcohol, or a combination of the two, were responsible for his behavior on the day of his death. The tragic nature of Bissell's death does not change the nature of the analysis of the district attorney. Rather, the law requires this office to determine whether a crime has been committed that can be proven beyond a reasonable doubt. In this case, the district attorney cannot meet this burden. Accordingly, no criminal charges will be filed against Mr. Gordon.