



MEMORANDUM

Riverside Police Department

Investigations

DATE: October 21, 2011
TO: Sgt. Dave Amador
Supervisor Robbery/ Homicide Unit
FROM: Det. Rick Wheeler
Investigator Robbery/ Homicide Unit
SUBJECT: SUMMARY – OFFICER INVOLVED SHOOTING REPORT# P11068393

DATE OF INCIDENT: May 10, 2011
TIME OF INCIDENT: 1757 Hours
LOCATION OF INCIDENT: 11532 Trailway Drive
Riverside, CA
INVOLVED OFFICER: Officer Zach Fishell #1425
Unit #3767 / Designator C410
Field Operations / Patrol Watch "C"
WITNESS OFFICER: None
OFFICER INJURIES: None
CIVILIAN WITNESSES: Marvin Wooten [REDACTED]
7241 Arcata
Fontana, CA

Clint Garcia [REDACTED]
3658 Farnham Pl.
Riverside, CA

Andrew Baldwin [REDACTED]
11556 Trailway Dr.
Riverside, CA

CIVILIAN INJURIES: Bradford, Arabella - [REDACTED]
Deceased due to multiple gunshots to torso

Conley, Malvin - [REDACTED]
Deceased due to multiple gunshots to torso

SUSPECT: Millon, Virgil Anthony - [REDACTED]
11531 Trailway Drive
Riverside, CA

SUSPECT'S INJURIES: Suspect Millon had three (3) gunshot wounds, two (2) in the upper right thigh, and one (1) to the right side of the head.

CRIMINAL HISTORY: Suspect V. Millon:
Riverside Police Dept. / P08021063 / Arrested
245(a)(2) PC, 207 PC, 236 PC, 273.5 PC

SUMMARY

On May 10, 2011 at about 1757 hours, patrol officers from the Riverside Police Department responded to reports of an unknown trouble in the 11500 block of Trailway Drive. Before any officers had arrived on scene, additional information came into the dispatch center that someone was now shooting a handgun in the area.

Riverside Police Officer Zach Fishell was in uniform and on-duty in a marked police unit at the time of the incident. Officer Fishell was in a parking lot located at La Sierra & Collette, sitting in his unit with the windows down when he heard several shots being fired in the direction of the unknown trouble call. Officer Fishell responded to the 11500 block of Trailway Drive (located in the Palisade Estates) where he parked his unit on the north/west curb of Trailway and Countrydale Drive.

Officer Fishell exited his vehicle and began walking in a westerly direction on the south sidewalk of Trailway Drive toward 11532. As Officer Fishell approached 11514 Trailway he could see an unknown adult male, to the front of 11532.

This male was clearly armed with a handgun and was standing over a female who was lying on the ground next to a white panel truck. Officer Fishell watched as the suspect fired two rounds in a downward trajectory at the female. Officer Fishell drew his duty weapon and fired one round at the unknown adult male suspect (later ID'ed as S/Virgil Millon). Officer Fishell was approximately 64 yards from the suspect, behind a small rock footing, when he fired.

The suspect turned toward the sound of the gunshot and toward Officer Fishell. The suspect then briefly took cover behind a parked vehicle, while attempting to locate Officer Fishell. The suspect attempted to cross the street moving in a northerly direction toward 11531 Trailway Drive. Officer Fishell fearing that the suspect was attempting to flank him fired his duty weapon one more time.

This round appeared to have struck the suspect in the lower body. Officer Fishell was approximately 30 yards from the suspect as he fired. The suspect continued to move toward 11531 Trailway when Officer Fishell fired once again striking the suspect in the head. The suspect fell to the ground and was soon taken into custody. Officer Fishell was approximately 37 yards from the suspect when he fired the final round. The suspect was transported to Riverside Community Hospital where he died as a result of the gunshot wounds. In addition to the female victim found to the front of 11532 Trailway Dr. (later identified as V/Arabella Bradford), a second victim, a male, was found lying in the front yard of the same residence with multiple gunshot wounds. This victim was later identified as V/Malvin Conley.

Audio/Video Recordings:

The only audio recordings from this incident were of witness interviews. They were downloaded under file number P11068393.

The only video related to this incident was from the COBAN dashboard camera from Officer Fishell's patrol unit. The video does not capture any part of this incident. Due to the positioning of Officer Fishell's unit, the video is of the north side of Trailway Dr., well east of the crime scene. It was captured and saved but will not be included in this casebook. There is no audio related to this incident.

Duty Weapon:

Officer Fishell's duty weapon status:

- A department issued .40 caliber Glock 22 [REDACTED]
- In his weapon was a magazine containing 11 live rounds with one live round chambered
- On his duty belt were two fully loaded magazines each with 15 live rounds
- After charting his weapon, it was found that four rounds had been fired. Four expended .40 caliber casings were located at the scene in the area Officer Fishell had been at the time of the shooting

INTERVIEWS

Witness Marvin Wooten:

Marvin Wooten was in the rear yard of 11532 Trailway Drive just prior to the incident and is the best friend of V-2/Conley. Marvin said while in the rear yard he saw the suspect enter the yard, and grab V-1/Bradford by the hair with one hand while pointing a handgun at her head with his other hand. Marvin said at that point the suspect began firing his weapon at both V-2/Conley and V-1/Bradford.

Marvin said the shooting continued inside the residence before it ended in the front yard of 11540 Trailway Drive, which is one house west of 11532. Marvin said he hopped over a side wall of the residence to a safe place north/east of 11532. Marvin said he saw both V-2/Conley and V-1/Bradford on the ground suffering from gunshot wounds.

Marvin said the suspect reloaded his gun and continued firing at both victims as they were on the ground. Marvin said at that point he heard another gunshot from a different location and turned to see Officer Fishell pointing his handgun at the suspect. Marvin said he saw the suspect moving toward his residence at 11531 Trailway as Officer Fishell fired again.

Marvin said he could no longer see the suspect, as the suspect neared the driveway of 11531. Marvin did not know if the suspect was hit by the officer's rounds or if the suspect took his own life.

Witness Clint Garcia:

Clint Garcia was in the backyard of 11352 Trailway at the time this shooting took place. He is a pool repair man and was there on a service call. A short time after arriving at the location and walking into the backyard through the west side entry gate, he heard women screaming. One of the males at the house (Marvin Wooten) told Clint to run and directed him down the east side of the house toward a wall. Both men climbed over the wall and ran west down the street to a nearby house as Clint heard gunshots coming from the backyard of 11532 Trailway. He estimated around 16-17 shots were fired.

While hiding at the residence down the street, Clint saw two people run from 11532 Trailway with a black male, holding a handgun, following after. The calm suspect fired several gunshots while to the front of the house. The suspect also reloaded his weapon. Clint was not sure at whom the suspect was shooting. Clint called 911 from his phone.

Moments later, Clint saw a uniformed police officer arrive on the same side of Trailway as he was on. The suspect fired one more shot before Clint watched the police officer point his handgun at the black suspect and fire two times. After the police officer fired, there were no more gunshots.

Witness Andrew Baldwin:

Andrew Baldwin was driving home at around 1815 hrs, when he turned onto Trailway Dr., heading home. As he turned onto the street, he passed a marked police car parked along the north side of Trailway.

He thought nothing of it at the time. As he continued west on Trailway, Andrew saw a white, uniformed police officer, behind a tree on the south side of the street. The officer's gun was out and pointed west down the street. As Andrew passed a white panel truck parked along the south side of the street he saw S/Virgil Millon standing over V/Arabella Bradford as she was lying on the ground. S/Millon was holding a black handgun and pointed it at V/Bradford. Andrew watched as S/Millon fired two shots at V/Bradford. Andrew sped up as he drove to his home. In his rear view mirror, Andrew could see S/Millon crossing the street heading north. As Andrew reached his home, he heard three gunshots. He did not see the police officer fire his weapon.

Officer Zach Fishell:

Officer Fishell has been with Riverside Police Department for five years. He was assigned to uniformed patrol and was working in a one man marked police unit this night. His designator was C410 and he was assigned to the west area of Riverside. Officer Fishell drove marked RPD unit #3767.

Officer Fishell was parked in the parking lot of a church at the corner of La Sierra & Collette just prior to this incident. His windows were down and he heard gunshots in the distance as he was being dispatched to a "shots fired" call on Trailway Dr. RPD dispatched assigned him to the call and asked for any other unit to assist him.

Officer Fishell drove west on Collette to the Paradise Estates community which is a gated community located at Collette and Creekrun. Once there, he used his Knox Box key to open the community gate and left it open for arriving officers. Dispatch gave him an update stating the suspect responsible for the shooting was a black male, in his forties with a bald head.

Officer Fishell drove to the first fork in the road, Trailway Dr. & Countrydale Dr. where he stopped. He parked his car on Trailway Dr., right at the fork, and began walking west along the south side of the street.

Officer Fishell walked down Trailway Dr. and saw a male on a cell phone looking west, hiding around the corner of a house. He continued to walk down the street but had difficulty seeing due to trees along the sides of the street.

Officer Fishell reached the front of a residence where he could squat down behind a cement/ rock structure about 3 feet high and a few feet wide. From there, Officer Fishell could see under the trees.

Officer Fishell saw a black male adult, with a bald head, standing on the sidewalk (south side of the street) approximately 30 yards from his position. The male was holding a black handgun and had his back to Officer Fishell. The suspect was standing over the body of a female who was "slumped" over partially in the street and partially on the sidewalk near a blue truck. The suspect was looking down at the female. Officer Fishell thought the female might be dead due to blood spots he could see on her clothing. The suspect had the gun down near his side, as if in a "low ready" type position. The suspect then fired 2-3 shots at the female. Officer Fishell got on his police radio and advised dispatch of shots being fired. Feeling he had a good back-drop, he aimed his issued handgun at the suspect and fired a single round in an effort to stop the threat. He was not sure if this round struck the suspect or not.

Once Officer Fishell shot, the suspect turned toward Officer Fishell and began to walk in his direction. After a few steps, the suspect walked between two parked cars and into the street. The suspect walked behind a commercial box truck and to the driver's side. Officer Fishell could see the suspect through the windshield and driver's door window. It appeared the suspect was looking for Officer Fishell. The suspect paused and then started walking across the street with the gun still in his hand. Fearing the suspect was going to flank him, Officer Fishell fired a second shot at the suspect. This shot appeared to strike the suspect, possibly in the lower part of his body. The suspect made a "jumping" like step but continued to move in a direction to flank Officer Fishell. The suspect did not drop his gun. Officer Fishell took a third shot at the suspect and this one struck the suspect, causing him to fall to the ground.

Officer Fishell could see blood coming from the suspect's head. Officer Mercadefe arrived at this time and the two officers moved up the street. Officer Fishell checked the female victim and found her unresponsive. Officer Fishell called for medical aid while Officer Mercadefe covered the downed suspect. Officer Fishell found that there was a second victim lying in the front yard of a residence. He had not seen this victim before. Officer Fishell remained with the victims until medical aid and other officers arrived to assist.

As soon as Officer Fishell first saw the suspect, the suspect fired the 2-3 shots at the female on the ground. Officer Fishell did not have time to announce his presence. Officer Fishell then chose not to announce his presence prior to shooting at the suspect because, even though he had the position of advantage, he had very limited cover. He did not want the suspect to know where he was for fear the suspect would turn and fire at him. Officer Fishell thought the suspect may have been talking to himself at the time he shot the female. He could not hear what the suspect was saying.

Officer Fishell had been to this neighborhood on a past incident. He recalled it being a domestic violence type call where the male half had a gun. Officer Fishell was an assisting officer on that case. He recalled the suspect had been a correction officer of some sort and RPD officers had removed several guns from the residence after arresting the suspect.

Additional Officer Actions:

Just after the engagement between Ofc. Fishell and S/Millon ended, additional RPD officers arrived at the scene and assisted with securing the scene and S/Millon. An RPD K-9 officer attempted to give verbal commands to S/Millon, who was down on the ground and unresponsive, before sending his dog to make sure S/Millon was not pretending to be injured. The dog bit S/Millon in the process but S/Millon did not respond. RPD officers contacted S/Millon, put him in handcuffs and drug him to a place safer for the officers as they awaited the arrival of medical aid. When S/Millon was moved, a black Ruger semi-automatic handgun was found under his body.

INVESTIGATION

Four .40 caliber expended Winchester shell casings were found in the front yard of 11514 Trailway Drive. The casings are the same type as the ones found in Officer Fishell's handgun and extra magazines. Officer Fishell's field of fire appears to have been in a north-west direction as he fired from the front yard of 11514 Trailway Drive toward S/Millon.

S/Millon was struck three times by gunfire from Ofc. Fishell. He was struck twice in the right thigh with small bullet fragments being pulled from one of the wounds at autopsy. S/Millon was also struck in the head. Bullet fragments were pulled from this wound as well. Ofc. Fishell's fourth round did not strike S/Millon. A deformed copper projectile was located in the area down range from Ofc. Fishell and behind S/Millon. This projectile appears to have been one of the rounds fired by Ofc. Fishell. It was located in the driveway of 11539 Trailway Dr. Where Ofc. Fishell's fourth round went is unknown. No bullet strikes were noted in the neighborhood within his field of fire.

A black Ruger P95 semi-auto 9mm handgun [REDACTED] was recovered from the crime scene, to the front of 11531 Trailway Drive. It was registered to S/Millon. It was found loaded and several additional magazines were found throughout the crime scene. Multiple 9mm casings were also found throughout the scene.

A black Colt .357 caliber revolver [REDACTED] with brown wooden grips was located in the backyard of 11532 Trailway Dr. next to the pool. The cylinder contained six expended .357 magnum casings. There were traces of blood on the frame and strands of hair wrapped up in the hammer. The serial number does not appear to have been registered.

An autopsy was done on S/Virgil Millon by Dr. McCormick of the Riverside County Coroner's Office on May 11, 2011. Det. Cobb attended the autopsy and observed that S/Millon had been struck three times by gunfire. He was struck twice in the upper right thigh (both were through and through wounds) and once in the head with the round entering the right side and exiting the left side. The wound to the head was the fatal wound.

WEAPON ANALYSIS

Officer Fishell's weapon was sent to Riverside DOJ for a functionality check. Based on their analysis, his weapon functioned properly.

The Ruger P95 also functioned properly and the characteristics from the fired casings were placed into NIBIN by DOJ.

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