

OFFICER-INVOLVED FATAL INCIDENT REPORT



Employer Agencies: Mendocino County Sheriff's Office; Willits Police Department

Decedent: Nicholas Bakewell

Date of Incident: June 5, 2025

Date of Report: June 25, 2026

Report Prepared by:

MENDOCINO COUNTY DISTRICT ATTORNEY

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I. INTRODUCTION

On June 5, 2025, thirty-six-year-old Nicholas Bakewell died following a law enforcement encounter on Hearst-Willits Road in the Willits area of Mendocino County. Mr. Bakewell came into contact with deputies and officers from the Mendocino County Sheriff's Office (MCSO) and the Willits Police Department (WPD) after a series of reports of erratic and violent behavior in a public roadway. Following his restraint and arrest, Mr. Bakewell became unresponsive. He was pronounced deceased at 7:42 p.m.

When a death occurs during an encounter with law enforcement, the District Attorney's Office has a legal and ethical obligation to conduct an independent review to determine whether the use of force violated California law. That responsibility exists regardless of whether the force involved a firearm or other means and regardless of the identity of the individuals involved.

The purpose of this report is to explain the scope of the review, the legal standards applied, and the reasoning supporting the determination reached. This document is intended to provide transparency to the community regarding how charging decisions are made while recognizing that the District Attorney does not determine civil liability.

Officer-involved fatalities are matters of significant public concern, as they should be. It is important that the legal framework and factual analysis underlying this decision be set forth clearly and in plain language. Transparency in this process is essential to maintaining public confidence in the fair and impartial administration of justice.

II. SCOPE OF REVIEW

The purpose of the District Attorney's investigation and review of any critical incident is to establish the presence or absence of criminal liability on the part of any involved party, including law enforcement employees.

The Mendocino County District Attorney's Office conducted an independent and comprehensive review of the events that occurred on June 5, 2025. The review included body-worn camera footage from Mendocino County Sheriff's Office (MCSO) and Willits Police Department (WPD) officers; dispatch audio and Computer-Aided Dispatch (CAD) records; interviews of involved officers; interviews of civilian witnesses who observed events before and during law enforcement contact; scene photographs and physical evidence; autopsy findings and forensic pathology opinions; toxicology testing; and relevant statutory and case law governing use of force.

All available video evidence was reviewed in its entirety and compared against witness statements and physical findings. The timing of events was cross-referenced using dispatch records and synchronized body camera footage.

The District Attorney's review was limited to determining whether the evidence supports the filing of criminal charges under California law. This review does not determine civil liability, policy compliance, or administrative discipline, which are evaluated through separate processes. This report should not be interpreted as expressing an opinion on those matters.

III. STANDARD OF REVIEW

The District Attorney is the chief law enforcement official of Mendocino County. The District Attorney is responsible for deciding what cases to prosecute and has the responsibility to review and approve the filing of all criminal cases in the county.

The California Rules of Professional Conduct, Rule 3.8, provides that prosecutors shall not institute criminal charges when the prosecutor knows that the charges are not supported by probable cause. Although a prosecutor can institute criminal charges when supported by probable cause, in filed criminal cases the District Attorney has the burden of proving a defendant's guilt beyond a reasonable doubt. This is the highest burden of proof found in the law. A defendant facing criminal charges is entitled to have the question of their guilt determined by a jury. That jury, consisting of twelve people from the community, must vote unanimously for guilt before a defendant can be convicted of a charged criminal offense.

When determining whether criminal charges are appropriate, the District Attorney must consider all of the evidence, including evidence that supports an affirmative defense, such as self-defense or the justifiable use of force by a peace officer. Criminal charges are warranted only when the District Attorney determines that the evidence of guilt is of such convincing force that it would support a conviction for the crime charged by a reasonable and objective jury after hearing all the admissible evidence, including evidence of any defenses.¹

IV. SUMMARY OF FACTS

On the evening of June 5, 2025, a 911 call was placed reporting a man behaving erratically along Hearst-Willits Road in the area of East Valley Road, Willits. The caller described the individual as running in and out of the roadway, yelling, and engaging in physical altercations with other individuals, including a driver of an all-terrain vehicle ATV and the driver of a silver SUV.

Witnesses reported that the man appeared disoriented and aggressive. He was observed jumping from a moving vehicle, choking out a person attempting to get him to safety, and striking a driver in the face. Witnesses expressed concern that the individual might be struck by a vehicle or cause serious injury to others.

¹ See Penal Code section 835a.

At approximately 7:07 p.m., a Mendocino County Sheriff's deputy arrived in the area and contacted the individual, later identified as Nicholas Bakewell. According to body-worn camera footage, Mr. Bakewell approached the deputy in an agitated manner, assumed a fighting stance, and ignored repeated commands to get on the ground. When additional deputies arrived, Mr. Bakewell ran from MCSO, jumped into thick brush and continued to ignore commands.

Officers attempted verbal de-escalation and issued repeated commands for compliance. When Mr. Bakewell advanced toward an officer in a fighting stance, less-lethal force options were deployed, including oleoresin capsicum (OC) spray and, later, a conducted energy device (Taser). Despite these efforts, Mr. Bakewell continued to resist attempts to detain him.

Additionally, Willits Police Department officers arrived to assist. Mr. Bakewell, who was actively resisting efforts to place him in handcuffs, stiffened his arms, attempted to rise from the ground, and struggled against officers' attempts to control his movements. After continued resistance, officers were able to secure him in handcuffs at approximately 7:11 p.m.

Within moments of being restrained, officers observed changes in Mr. Bakewell's responsiveness. He was repositioned, handcuffs were removed, and medical assistance was immediately requested. Officers began first aid measures, including sternum rubs and cardiopulmonary resuscitation (CPR), and administered Narcan. Emergency medical personnel arrived shortly thereafter and continued lifesaving efforts.

Mr. Bakewell was pronounced deceased at 7:42 p.m.

A. Civilian Witnesses

Clint Harbour

Clint Harbour and Nicholas Bakewell drove to Ukiah together in the early afternoon of June 5, 2025. They made several stops in Ukiah, their last being at a pawn shop at close to 5 p.m. They then stopped at Harbour's cousin's house in Redwood Valley.

During that time, Harbour and Bakewell did two "hot rails" which are a thin line of methamphetamine ingested by smoking. Bakewell also consumed 4-5 mushrooms and later Harbour watched Bakewell consume a second handful of mushrooms. Harbour then drove with Bakewell to the Coyote Valley Casino gas station. Harbour began to notice Bakewell was experiencing the effects of the drugs he had consumed. Bakewell was gripping the dashboard and asking Harbour to slow down even though they were traveling at 25 mph.

Once they approached the intersection of Hearst-Willits Road and Reynolds Hwy, Willits, Bakewell abruptly punched Harbour in the nose, breaking it and immediately causing it to bleed. He was also hit just below the eye. Bakewell attempted to jump out of the moving vehicle but broke off the door handle. While the vehicle was still moving, Bakewell then jumped out of the passenger window, landing on the pavement, stood up, and started running westbound on Hearst-Willits Road.

Harbour went to a nearby friend's residence and told Owen Kenny and Eddie Esquivel that Bakewell was having a "bad trip" from eating mushrooms. The three returned to the area to find Bakewell. Kenny and Esquivel both took ATVs and Harbour returned in his vehicle. Kenny found Bakewell and Bakewell got on the back of his ATV. When Harbour arrived near the area of O'Leary's Feed, he watched as Bakewell began to choke Kenny to the point where Kenny began to lose consciousness and they both fell from the ATV.

Harbour saw a man pull up and yell at Bakewell. Bakewell ran around to the passenger side of the vehicle and got in. The vehicle drove off westbound. Harbour, Kenny and Esquivel then left the area and returned to the residence. He never saw Bakewell from that time and learned later of his death.

Ashley Gantt

Ms. Gantt was leaving her family ranch property on June 5th and driving southbound on Hearst-Willits Road when she saw a man on the westside of the roadway in front of her. The man was walking and jogging erratically and waving his arms, simulating a gun in both hands. She had her windows down and could hear him screaming profanities. She heard "Fuck! I want to fucking kill myself! I want to fucking kill Her!" As she went to pass him, he lunged to his left trying to get in front of her car. She had to move to the oncoming lane in order to avoid him. She drove approximately 300 yards ahead and stopped at the intersection of Hearst-Willits Road and Valley Road and called 911.

While on the phone with the 911 dispatcher, she saw a man on the back of an ATV being driven by another man. She then saw the male passenger start to assault the driver. The man placed the driver into a "chokehold" and pulled the driver off the ATV. The men then began to physically fight and there was a lot of screaming.

She then witnessed a silver SUV drive up to stop the fight. The SUV driver leaned out of his window and said something. The same male who had been originally in the road and then assaulted the ATV driver then got into the SUV passenger seat. She witnessed the SUV begin to drive away. After moving about 20-30 yards, she saw the male passenger punch the SUV driver in the head area with his right fist. She saw the passenger punch the driver two more times and the driver's nose was bleeding profusely. The driver placed his hands up to protect himself and the SUV stopped. The male passenger got out of the vehicle and went jogging down the road yelling and screaming and waving his hands in the air. She then left the area and took the freeway to Willits to avoid the man. She spoke with CHP dispatch a second time to confirm the description of the ATV and direction of travel.

Owen Kenny

Mr. Kenny said he was not with Bakewell on June 5th during the day. He went to pick Bakewell up when Clint Harbour came to tell him that Bakewell was on mushrooms and needed help before he got in trouble with law enforcement. He left his residence and took his ATV to find Bakewell.

When he found Bakewell, Mr. Kenny noticed Bakewell "wasn't himself" and appeared "scared." Bakewell got on the back of Mr. Kenny's ATV and got "violent." Bakewell began to forcefully choke him out. Bakewell called him a "piece of shit" and made other nonsensical comments. He stopped the ATV and Bakewell got off and then into Mr. Glass's truck which had just arrived.

Mr. Kenny left the area and upon returning, Bakewell had already made contact with law enforcement.

Michael Glass

Mr. Glass was contacted in the Adventist Health Howard Memorial Emergency Room at 2123 hours on June 5, 2025, where he was awaiting treatment for injuries from Bakewell. Mr. Glass said he had been driving westbound in the area of Valley Road when he saw "Nick" arguing with somebody on an ATV. He had known Nick for about 9-10 years but did not know Nick's last name.

Mr. Glass said he could see Bakewell was "hot" and "mad" so he drove over and spoke with him. He told Bakewell to get into his vehicle which Bakewell did. He only drove about 100 feet when he heard Bakewell say "This ain't okay, this don't feel okay." He was about to ask him what was wrong when Bakewell screamed at the "top of his lungs" and "blindsided" Mr. Glass by punching him in the face.

Mr. Glass stopped his vehicle and turned it off. He said, "Nick, what the hell did you hit me for?" Bakewell was irate and not making any sense. Mr. Glass told him to get out of the vehicle. He watched as Bakewell walked away on foot still "screaming and yelling." He recalls two men coming up on two ATVs and one saying something to the effect that Bakewell had "eaten a couple handfuls of mushrooms." Mr. Glass then drove to the hospital to get his injuries treated. He clarified that after seeing Bakewell walk away, he never saw him again and was not present when law enforcement encountered Bakewell.

Tammy Gallups

On June 5th, Ms. Gallups stopped at the gate to her property on Hearst-Willits Road. She heard screaming and saw a man running down the road. She did not recognize the man at first. As the man approached, she recognized him as Nicholas Bakewell, who had been childhood friends with her son. She tried to ask what Bakewell was doing, but he did not hear her and kept running. She saw him running in the middle of the road toward an oncoming vehicle.

She left her property and went to the area of Bray Road and Hearst-Willits Road where she saw Bakewell face down on the road with one MCSO deputy attempting to handcuff him. She saw another MCSO deputy had his Taser drawn, but she was not sure if the Taser had been deployed. She recalled feeling glad Bakewell was getting arrested because she did not want to see Bakewell get hit by a car. She left the area just as WPD officers were responding.

Katherine Emerson

Ms. Emerson's residence is in the immediate vicinity of the encounter between Bakewell and law enforcement. On the evening of June 5th, she first heard loud voices — "Angry voices, really loud angry voices." She stood on her porch facing Hearst-Willits Road. She observed two men walking along the road yelling at each other. One man was wearing dark clothing and the other light clothing. She said one was "sorta chasing the other." Her view was fleeting. She could not recall which man was chasing the other.

Mary Colvig

Ms. Colvig was driving into Willits at approximately 1900 hours and had turned east on Commercial Street. She encountered some graduation-related traffic. She stopped behind three cars and had a clear view of police officers attempting to get a man to "settle down" and handcuff him. She said she could see the man was fighting back. She could see the man was resisting arrest — face down, with officers trying to hold him down as he kept trying to stand up and fight back. She believed she saw an officer tase the man while 5-6 officers were trying to control him. She noticed the man stopped resisting and the officers were able to handcuff him. She then saw an officer, "within 1-2 minutes," turn the suspect over onto his back and begin chest compressions. She did not want her daughter to witness anymore and left the area.

B. Summary of Information Provided Through Dispatch

When a person calls 911, they speak with a dispatcher who transmits information to law enforcement personnel in the field. Any transmitted information is memorialized in a Computer-Aided Dispatch (CAD) log. After calls were placed regarding Mr. Bakewell on June 5, 2025, a CAD log was generated that memorialized the information transmitted to deputies and officers.

At 1903:29, MCSO deputies were dispatched at the request of CHP for an agency assist. Information from the 911 caller described a white male adult jumping in and out of the roadway near the area of Hearst-Willits Road and East Valley Road in Willits, described as a "hitchhiker," who had been involved in a physical fight with the driver of a four-wheeler who had picked him up.

C. Involved Officers

Sergeant Sam Logan, a 13-year peace officer with the Mendocino County Sheriff's Office (MCSO), was working the night shift in Willits from 1800 to 0600, a 12-hour shift. Sgt. Logan was in full department issued uniform with badge insignia and MCSO patches and carried the standard issue gear including duty pistol, Taser (Conducted Energy Device — CED), handcuffs, and body worn camera. He was driving a standard MCSO patrol vehicle. Sgt. Logan had previously worked as a Corrections Deputy for approximately 3 years, and served as a Field Training Officer, SWAT Team member, and Detective. He was fully knowledgeable of and trained in all MCSO policies and procedures including Use of Force, Handcuffing and Restraints, Conducted Energy Devices, and Medical Aid and Response.

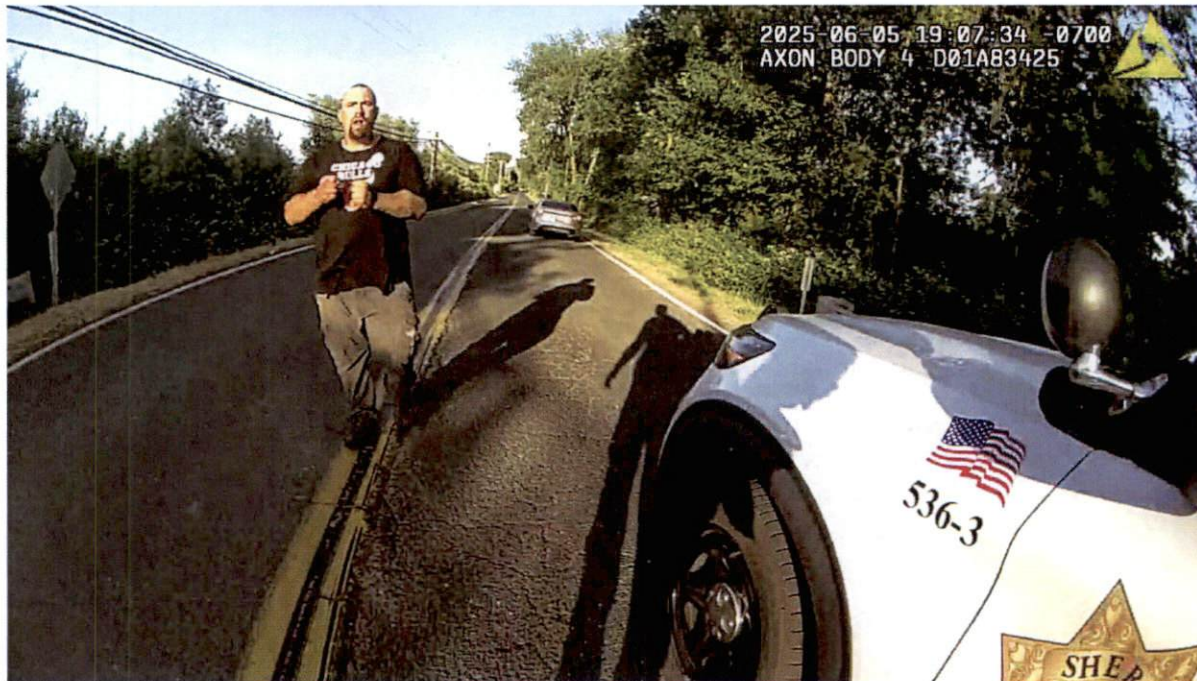
Deputy Jesus Lopez, a 5-year peace officer with the Mendocino County Sheriff's Office (MCSO), was working the night shift in Willits from 1800 to 0600, a 12-hour shift. Deputy Lopez was in full department issued uniform with badge insignia and MCSO patches and carried the standard issue gear including duty pistol, Taser (CED), handcuffs, and body worn camera. He was driving a standard MCSO patrol vehicle. Deputy Lopez had previously worked in Corrections, had passed his Field Training, and had been on solo patrol for 3 weeks. He was fully knowledgeable of and trained in all MCSO policies and procedures including Use of Force, Handcuffing and Restraints, Conducted Energy Devices, and Medical Aid and Response.

Officer Damian Angell, a four-year peace officer with Willits Police Department (WPD), was not working a patrol shift but was in full uniform from attending court in Ukiah. He was accompanied by trainee Officer Shively. Officer Angell has been a Field Training Officer since July 2024. He was fully knowledgeable and trained in all WPD policies and procedures including Use of Force, Handcuffing and Restraints, Conducted Energy Devices, and Medical Aid and Response. In addition to his police officer training, Officer Angell was a California Emergency Medicine Technician (EMT) and had 7 years of prior service as a volunteer fire fighter and later paid Captain for the Brooktrails Fire Department.

Officer John Gale, a 3-year peace officer with Willits Police Department (WPD), was working the swing shift from 1500 hours to 0300 hours. He was dressed in full department issued uniform and equipment. Prior to working for WPD, Officer Gale had a combined 2.5 years as a peace officer for Del Norte County as a deputy and the City of Weed as a police officer. At WPD he acted as a Field Training Officer and Acting Sergeant. He was fully knowledgeable and trained in all WPD policies and procedures including Use of Force, Handcuffing and Restraints, Conducted Energy Devices, and Medical Aid and Response.

Officer Donovan Shively, a Patrol Officer Trainee with Willits Police Department (WPD), whose first day on patrol was May 27, 2025. His FTO was Officer Angell. He was a POST Certified graduate and fully knowledgeable of and trained in all WPD policies and procedures including Use of Force, Handcuffing and Restraints, Conducted Energy Devices, and Medical Aid and Response. In addition, Officer Shively had previously been a volunteer fireman at the Little Lake and Brooktrails Fire Departments.

D. Officer Timeline — June 5, 2025



At 1903:29, MCSO deputies are dispatched at the request of CHP for an agency assist. The information provided from the 911 caller and relayed to deputies is a white male adult was jumping in and out the roadway near the area of Hearst-Willits Road and East Valley Road in Willits. The man, described by Dispatch as a "hitchhiker," was reported to have been picked up by another white male adult on a four-wheeler and subsequently was involved in a physical fight with that male.



At 1907:34 Deputy Lopez contacts Nicholas Bakewell. Bakewell approaches Deputy Lopez in a fighting stance and was angry. He stated: "What's up then?"

Deputy Lopez believes Bakewell is trying to entice him into a fight. Deputy Lopez attempts to deescalate by giving Bakewell space. Bakewell yells "Back the Fuck Up!"

Bakewell continues to aggressively approach him with clinched fists; the Deputy continues to back up. Deputy Lopez radios back into Dispatch that he was "Out with One". Deputy Lopez unholsters his taser and points it at Bakewell.



At 1907:36 Deputy Lopez asks Bakewell "What's up Bro" and orders him to get down while pointing the taser at him from across the road.



At 1907:38 Bakewell continues to ignore the deputy's commands.



At 1907:41 Bakewell moves away from Deputy Lopez and is walking along the white fog line of the roadway approximately 25 feet from Deputy Lopez.



At 1907:47 Deputy Lopez, holding his taser, orders Bakewell to get down on the ground. Bakewell turns to face the deputy and briefly raises his clenched fists and takes a fighting stance. Bakewell turns and begins running away. Deputy Lopez commands Bakewell to stop: "Stop or you are going to be Tased!"



At 1907:51 Sgt. Logan arrives on scene. That was precisely the same moment Bakewell is running from Deputy Lopez who was commanding him to stop or he would be tased.



At 1908:00 Sgt. Logan cuts across the road in front of Bakewell. Bakewell appears exhausted, but uncooperative. Deputy Lopez hears Sgt. Logan tell Bakewell: "Hey, you are safe man." Sgt. Logan was standing with his hands free at his sides. Deputy Lopez holstered his taser and unholstered his OC Spray.



At 1908:06 Bakewell stands, balls his fists, and begins closing the distance between himself and Sgt. Logan. Sgt. Logan then draws his taser and begins to walk backward.



At 1908:07 Bakewell charges Sgt. Logan.



At 1908:08 Deputy Lopez runs toward them, OC Spray in hand. All the while, both officers were giving commands which were ignored.



At 1908:08 The OC Spray deployed by Deputy Lopez makes contact with Bakewell. Deputy Lopez is approximately 8 feet from Bakewell.



At 1908:08 Bakewell spins around and runs directly toward Sgt. Logan who is backing away.



At 1908:09 Sgt. Logan is giving commands for Bakewell to stop. Bakewell continues to spin and then run toward Sgt. Logan's position.



At 1908:11 Bakewell changes direction and runs off the roadway and jumps directly into a thick area of brush.



At 1908:12 Deputy Lopez deploys his OC Spray a second time. Bakewell continues to yell incoherently, occasionally saying "No!" but does not appear to acknowledge any instructions from either Deputy Lopez or Sgt. Logan.

He gets on his hands and knees and begins to crawl out of the bushes toward the officers. They tell him to stop and he replies, "Fuck that!"



At 1908:23 Deputy Lopez draws his Taser and orders Bakewell to stop. "You will get tased, dude!"



At 1908:28 Bakewell appears to calm and is quietly saying "No" and "Please stop" as he shakes his head side to side. His arms are in front of him and balled into fists and he is lying on his stomach.

Deputy Lopez tells Sgt. Logan "I'm going to grab him Sarg." and begins to approach Bakewell to handcuff him. Bakewell crosses his arms tightly in front of his chest and continues to say "No." Deputy Lopez again says "I'm going to grab him." Bakewell says "I'm not ok with this."



At 1908:31 to 1908:40 Deputy Lopez begins attempting to handcuff Bakewell. Bakewell continues to scream. A cuff is placed on Bakewell's left wrist. Bakewell continues to try and lift himself up off the ground and is yelling "Fuck this!" Deputy Lopez attempts to bring Bakewell's right arm back to cuff it as well.



At 1909:08 Bakewell rolls on his back, his arms out of Deputy Lopez's control and grabbing his duty belt. Sgt. Logan orders Lopez to disengage. Bakewell punches toward Lopez's face.



At 1909:15 Sgt. Logan deploys his Taser device. Deputy Lopez radios to dispatch that Bakewell has been tased. Bakewell continues to yell and flail while on his back and is non-compliant with orders.

At 1909:41 Sgt. Logan warns Bakewell he will deploy the Taser again if Bakewell does not roll over onto his stomach. He tells Bakewell "You are under arrest."

Bakewell responds "Fuck you!" Sgt. Logan again tells Bakewell to go onto his stomach and that he is under arrest. Bakewell responds "I am not ok with this." Bakewell continues to shake his head and say "no." Both officers repeatedly tell him he needs to get on his stomach and that he will be tased if he continues to resist.



At 1909:55 Bakewell attempts to raise his body as if to stand. Sgt. Logan deploys his Taser for a second time. He relays to Deputy Lopez that he sees no weapons on Bakewell. This is occurring as WPD Officer Gale is approaching.



At 1910:37 Officers Angell, Gale, and Shively from WPD are on scene to assist.

Bakewell continues to lay on his back in the brush. All three WPD Officers and Deputy Lopez and Sgt. Logan pull Bakewell while still on his back from the brush.

Bakewell continues to yell "I am not ok with this!" along with expletives at the officers. Bakewell is rolled onto his stomach and officers attempt to handcuff him. He continues to stiffen his arms requiring two of the assisting WPD officers to move his arm back.



At 1911:09 Sgt. Logan is located over Bakewell's legs; Bakewell is kicking his legs. Deputy Lopez is straddled over the top of Bakewell's midsection. Officer Gale (blue gloves) took control of Bakewell's head as Bakewell continued to lift it during the struggle.



At 1911:17 Officer Shively assisted first by briefly placing a knee on the upper back of Bakewell, but then repositioned himself to Bakewell's legs.

Officer Angell is positioned above and off Bakewell's left shoulder. Officer Angell crouches over Bakewell's left shoulder with his knee on his back while he assists Deputy Lopez in gaining control of Bakewell's arms.

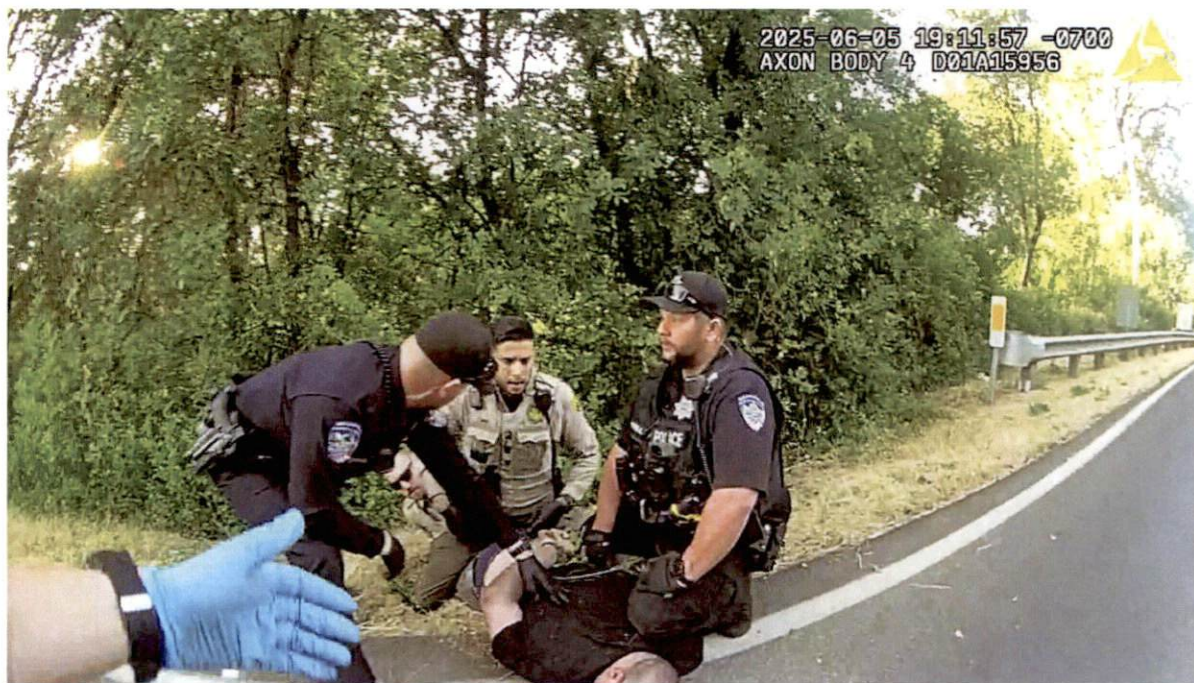
During this time, Bakewell is actively attempting to resist the officers' efforts. He attempts to move whenever pressure is lifted from his body, continues to say "No," and curses at the officers.



At 1911:27 Bakewell is handcuffed. He continuously attempts to lift his body in a resistive manner up to the moment of cuffing and continues resistive behavior after. Officer Gale is instructed to return to his vehicle to obtain the "WRAP" device.

At 1911:40 Deputy Lopez is able to let go of Bakewell to radio in to Dispatch that he has one detained.

At 1911:42 Officer Angell pats Bakewell on the back and says "Hey, take some breaths." Officer Gale says "Nick, hey, relax" as he pats him on the shoulder. Bakewell can be heard speaking.



At 1911:57 Officer Gale returns to where Bakewell is detained. He was unable to locate the WRAP device.

Bakewell can be seen taking deep and complete breaths. Officer Angell did not apply his full body weight and avoided Bakewell's neck area. He concentrated pressure on the shoulder blade and was cognizant not to restrict breathing.



At 1912:34 Bakewell is moved to a recovery position at the prompting of Sgt. Logan.

At 1912:40 Sgt. Logan orders the cuffs to be removed from Bakewell. Deputy Lopez radios in to Dispatch for Medical to be ordered Code 3. "Subject Unresponsive." Narcan is requested.

At 1913:31 Officer Angell begins to direct the application of lifesaving measures such as sternum rubs based on his EMT experience. It is noted that Bakewell's face is beginning to turn purple.

At 1913:48 Active CPR begins. Narcan is again administered. Bakewell appears to begin responding and he can be heard breathing. He quickly becomes unresponsive again. First Aid continues.

At 1919 First Responders Arrive.

At 1942 Nicholas Bakewell is Pronounced Deceased.

V. LEGAL STANDARDS

The standard of review for officer-civilian use of force is one of objective reasonableness. Penal Code section 835 states:

An arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The *person arrested may be subjected to such restraint as is reasonable* for his arrest and detention.

The position of the State Legislature with respect to officer use of force is further defined in Penal Code Section 835a, entitled "Legislative findings and declarations; use of force to effect arrest, prevent escape, or overcome resistance; use of deadly force; definitions." In pertinent part, that section states:

(a)(3) That the decision by a peace officer to use force *shall be evaluated carefully and thoroughly*, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(4) *That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.*

(b) *Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.*

(d) *A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or to prevent escape or to overcome resistance.* For the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics.

(e)(3) "Totality of the circumstances" means *all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.*

Penal Code section 835a directs that the decision to use force be evaluated from the perspective of a reasonable officer in the same situation, accounting for the fact that officers are sometimes forced to make quick judgments in rapidly evolving circumstances.

Applying that standard here, the officers responded to a subject who had been reported as erratic and violent in a public roadway, who ignored repeated verbal commands, who resisted less-lethal force including OC spray and a conducted energy device, and who continued to actively resist detention up to the moment of handcuffing. At each stage, the level of force employed was a direct response to Mr. Bakewell's active resistance and the threat he posed to officers and the public.

Penal Code section 835a further provides that an officer is not required to retreat or desist from efforts to arrest by reason of the resistance or threatened resistance of the person being arrested and shall not be deemed an aggressor for using objectively reasonable force to effect an arrest or overcome resistance.

The conduct of the officers involved was consistent with this standard. Verbal de-escalation was attempted first. Less-lethal options were deployed before any physical restraint. Physical force was applied only after those measures failed to gain compliance. At no point did the force used exceed what was objectively reasonable given the circumstances confronting the officers in real time.

VI. CAUSE OF DEATH, AUTOPSY, AND TOXICOLOGY FINDINGS

A. Homicide Defined

As an aid to understanding the findings of the Autopsy Report and Opinions of the Pathologist, Dr. Bennet Omalu, the Guide for Manner of Death Classification by the National Association of Medical Examiners, Fifth Addition was reviewed.

Per that publication, the applicable definition of Homicide is as follows:

Homicide occurs when death results from a volitional act committed by another person to cause fear, harm, or death. Intent to cause death is a common element but is not required for classification as homicide. It is to be emphasized that the *classification of Homicide for the purpose of death certification is a "neutral" term and neither indicates nor implies criminal intent*, which remains a determination within the province of legal processes.

The Guide states:

The "but-for" principle is commonly applicable. "But-for the injury (or hostile environment), would the person have died when he/she did?" This logic is often cited as a simple way to determine whether a death should be classified as natural or non-natural (homicide, suicide, accident). The certifier needs to recognize, however, that the intermingling of natural and non-natural factors presents a set of complex considerations in assigning a manner of death. *Regardless of whether the non-natural factor (a) unequivocally precipitated death, (b) exacerbated an underlying natural pathological condition, (c) produced a "natural" condition that constitutes the immediate cause of death, or (d) contributed to the death of a person with natural disease typically survivable in a non-hostile environment, this principle remains: the manner of death is unnatural when injury hastened the death of one already vulnerable to significant or even life-threatening disease.*

Per the California Supreme Court, a pathologist's reporting classification of "homicide" following an autopsy merely satisfies the clinical definition of the death and does not inherently carry a connotation of criminal wrongfulness. It is not a legal opinion that a law enforcement officer acted unlawfully.²

The National Association of Medical Examiners' Guide for Manner of Death Classification recognizes that deaths occurring during law enforcement positional restraint may be classified as Homicide. The Guide addresses death and law enforcement restraint under the section "Principles and recommendations for specific types of cases," which reads:

Deaths due to positional restraint induced by law enforcement personnel or to choke holds **or other measures to subdue** may be classified as Homicide. In such cases, there may not be intent to kill, but the death results from one or more intentional, volitional, potentially harmful acts directed at the decedent (without consent, of course). Further, there is some value to the homicide classification toward reducing the public perception that a "cover up" is being perpetrated by the death investigation agency.

B. Positional Restraint and Measures to Subdue

California POST guidelines define **positional restraint** as the use of body weight, limb control, or physical positioning to restrict a person's movement for the purpose of effecting lawful arrest or detention. **Prone restraint** involves holding a person face-down while officers gain control of the arms and legs. Placing a person into a **recovery position** involves rolling the person onto their side to assist breathing once control is established. POST guidelines emphasize that once a subject is secured and resistance has ceased, officers are expected to transition the subject out of the prone position and monitor their condition.

California POST guidelines also define **conducted energy devices** (Tasers) as tools designed to achieve temporary incapacitation through neuromuscular disruption for the purpose of gaining subject compliance.

The question of whether a conducted energy device falls within the Guide's language of "other measures to subdue" is relevant here, as Sgt. Logan deployed his Taser twice prior to the physical restraint of Mr. Bakewell. By POST's own definition, a Taser is a measure to subdue, and its deployment constitutes an intentional, volitional act directed at the subject. Consistent with that framework, the Taser deployments in this matter are considered part of the overall continuum of subdual measures applied to Mr. Bakewell and have been evaluated accordingly as part of the District Attorney's comprehensive review.

²See, *People v. Perry* (2006) 38 Cal.4th 302 [The Supreme Court made clear that a pathologist's reporting classification of "homicide" following an autopsy merely satisfies the clinical definition of the death and does not inherently carry a connotation of criminal wrongfulness. Put another way, a "homicide" designation by a pathologist is a standard vital statistics classification and not a legal opinion that a law enforcement officer acted unlawfully. A pathologist's medical determination of "homicide" is deemed legally neutral regarding criminal liability.]

In this matter, Mr. Bakewell was placed in a prone restraint position after actively resisting arrest, including stiffening his arms, attempting to rise from the ground, and struggling against multiple officers. Five officers were required to bring him under control. Once handcuffed at approximately 7:11 p.m., officers promptly repositioned Mr. Bakewell into a recovery position consistent with POST guidance, removed his handcuffs, and immediately initiated medical aid including sternum rubs, CPR, and the administration of Narcan upon observing that he had become unresponsive.

C. Cause of Death

The manner of death in the case was determined to be Homicide by pathologist Dr. Bennet Omalu.

Nicholas Bakewell died as a result of Restraint-Associated Asphyxiation and Type 2 Myocardial Ischemic Injury. Contributing factors were Acute Combined Methamphetamine, Psilocin, Dextromethorphan and Gamma-Hydroxybutyric Acid Toxicity, Hypertensive Cardiomyopathy and W.H.O. Class III Obesity.

D. Autopsy Findings

The autopsy showed the decedent had cardiomegaly (a severely enlarged heart), biventricular hypertrophy (heart chambers were abnormally stiff and thick) as well as atrioventricular dilation (abnormal enlargement of the upper and lower heart chambers). Also noted was acute and severe pulmonary edema and congestion of the lungs, as well as severe hepatomegaly of the liver.

E. Toxicology

All tested body fluids show that multiple drugs were present, with methamphetamine being the most prominent and widely distributed substance. The decedent was metabolizing and eliminating several of these drugs.

Femoral blood showed: d-Methamphetamine levels at 3.2 mg/L; d-Amphetamine levels at 0.23 mg/L; Psilocin levels at 23 ng/mL; Dextromethorphan levels at 0.09 mg/L; GHB levels at 17.9 mg/L.

Vitreous humor showed: d-Methamphetamine levels at 4.1 mg/L; d-Amphetamine levels at 0.27 mg/L; Psilocin levels at 7.1 ng/mL; Dextromethorphan levels at 4.2 mg/L; GHB levels at 17.9 mg/L.

Urine showed: Amphetamine levels at >40 mg/L; d-Methamphetamine levels at 218 mg/L; d-Amphetamine levels at 14 mg/L; MDMA levels at 0.42 mg/L; Fentanyl was Positive; Norfentanyl levels were 20 ng/L; Psilocin was Positive; Dextromethorphan levels at >0.50 mg/L.

Bile showed: Amphetamine levels at 27 mg/L; d-Methamphetamine levels at >5 mg/L; d-Amphetamine levels at 0.58 mg/L; MDMA levels at 0.05 mg/L; GHB levels at 4.3 mg/L.

The most prominent substance was methamphetamine, present in a much higher amount than its breakdown product, amphetamine. This is a pattern consistent with relatively recent methamphetamine use. The amount of methamphetamine detected shows substantial systemic exposure with active metabolism and elimination.

At these concentrations, methamphetamine may produce very strong stimulant effects on both the body and the mind, including a very rapid heartbeat, elevated blood pressure, overheating, sweating, tremors, chest discomfort, extreme agitation, anxiety, paranoia, confusion, and impulsive or erratic behavior.

There was also psilocin, the active chemical produced in the body after someone consumes psychedelic mushrooms, which may primarily affect perception and thinking rather than the heart or other major body systems, causing visual distortions, altered sense of time, intensified emotions, unusual thoughts, and changes in mood.

The remaining substances detected dextromethorphan, GHB, MDMA (in urine), and fentanyl (in urine) represent additional psychoactive drugs that can affect the brain and body in different ways, and together could contribute additional stimulant, sedative, or perceptual effects. Their likely impact would depend on individual tolerance, timing of use, and interaction with the other drugs present.

III. CONCLUSION AND DETERMINATION

After evaluating the totality of the evidence, the District Attorney's Office concludes that the officers' use of force was objectively reasonable under the circumstances known to them at the time.

The evidence shows that officers responded to a subject who had been reported as erratic and violent in a public roadway and who had already punched and injured multiple civilians prior to law enforcement contact. Officers attempted verbal de-escalation and issued repeated commands for compliance. Less-lethal force, OC spray and two Taser deployments, was used only after Mr. Bakewell ignored commands and advanced toward officers in a fighting stance. Physical restraint was applied only after those measures failed to gain compliance.

At each stage, the level of force was a direct and proportionate response to Mr. Bakewell's active resistance and the threat he posed to officers and the public. The encounter unfolded rapidly and required officers to make split-second decisions in a dynamic and evolving situation. Upon observing Mr. Bakewell in medical distress, officers immediately rendered aid.

The medical evidence establishes that Mr. Bakewell's death resulted from restraint-associated asphyxiation and myocardial ischemic injury in the context of significant underlying cardiac disease and acute multi-substance intoxication. The manner of death was classified by the pathologist as "Homicide³," consistent with the National Association of Medical Examiners' Guide for Manner of Death Classification, which provides that deaths resulting from positional restraint or other measures to subdue, including Taser deployments, may be classified as Homicide where death results from intentional, volitional acts directed at the decedent, regardless of intent to kill. That classification is acknowledged. It is a term of art used in death certification and does not determine criminal culpability, which requires a separate legal analysis of whether the force used was objectively reasonable under the circumstances known to the officers at the time.⁴

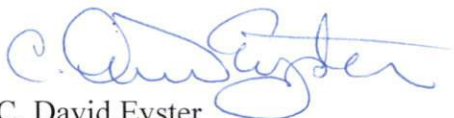
Under California law, criminal liability requires proof that an officer's use of force was not objectively reasonable when viewed from the perspective of a reasonable officer in the same situation, without the benefit of hindsight.⁵ The available evidence does not support such a finding. Accordingly, no criminal charges will be filed in connection with this incident.

This determination is limited to criminal liability under California law. Questions of civil liability, administrative review, or departmental policy compliance are addressed through separate legal and administrative processes.

The District Attorney's Office acknowledges the loss suffered by the family and loved ones of Nicholas Bakewell and remains committed to transparency, accountability, and the fair and impartial administration of justice.



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C. David Eyster
District Attorney, County of Mendocino

³ See Footnote 2.

⁴ See Penal Code section 835a(a)(4),(d)

⁵ See, *Golick v. State of California* (2022) 82 Cal.App.5th 1127. [A peace officer may use reasonable force to make an arrest, prevent escape, or overcome resistance, and need not desist in the face of resistance.]; *Tatum v. City and County of San Francisco* (2006) 441 F.3d 1090. [Officer had probable cause to arrest, arrestee was behaving erratically, and arrestee spun away from officer and continued to struggle after officer told him to calm down.]; *Brown v. Ransweiler* (2009) 171 Cal.App.4th 516. [As long as an officer's conduct falls within the range of conduct that is reasonable under the circumstances, there is no requirement that he or she choose the most reasonable action or the conduct that is the least likely to cause harm and at the same time the most likely to result in the successful apprehension of a violent suspect, in order to avoid liability for negligence.]