

OFFICE OF  
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BONNIE M. DUMANIS  
DISTRICT ATTORNEY

June 7, 2017

Sheriff William Gore  
9621 Ridgehaven Court  
San Diego, CA 92123

**Re: Non-fatal shooting of Edward Nett on December 3, 2016, by San Diego  
County Sheriff's Sergeant S. Bligh; San Diego County Sheriff's  
Case No. 16-161482; DA Special Operations Case No. 16-264PS;  
Deputy District Attorney Assigned: Paul Reizen**

Dear Sheriff Gore:

We have reviewed the reports and other materials compiled by your agency's Homicide Unit concerning the circumstances leading to the non-fatal shooting of Mr. Edward Nett by San Diego County Sheriff Sergeant S. Bligh on December 3, 2016. A District Attorney Investigator responded to the scene and was briefed by your officers. This case was presented to the District Attorney's Office for review on March 15, 2017.

***Persons Involved***

Mr. Edward Nett is a 50-year old, homeless man with mental-health issues. Sergeant S. Bligh is a patrol supervisor and had been employed by the San Diego County Sheriff's Department for 21 years at the time of the incident.

***Summary***

At 5:16 a.m. on December 3, 2016, San Diego County Sheriff Deputies were dispatched to a disturbance in the 6000 block of Paseo Delicias in Rancho Santa Fe. Deputies responded and found Mr. Nett in a nearby apartment stairwell. Deputies fired pepper-ball rounds and released a sheriff's canine in an effort to take Nett into custody. Nett stabbed the canine with a knife and kicked in the front door of an apartment occupied by a 25-year-old resident. Nett took the resident hostage, held a knife to his throat, and threatened to kill him. Sergeant Bligh spotted Nett through the broken front door. Recognizing the risk to the hostage and others, Bligh fired four rounds, striking Nett. Deputies entered and freed the hostage, who was unharmed. Nett was transported to the hospital where he was treated for non-life threatening gunshot wounds.

***Statement of Mr. Edward Nett***

Investigators attempted to interview Nett while he was recovering in the hospital. He did not remember the details of the shooting and did not provide information. Nett did tell

investigators at the time of the shooting he was “pretty upset” and is not sure if there was anything the deputies could have done to stop him or get him to comply with their commands.

### ***Law Enforcement Witnesses***

In addition to Sergeant Bligh, there were five patrol deputies on the scene at the time of the shooting, hereafter identified as Law Enforcement Witnesses One, Two, Three, Four and Five (LE1, LE2, LE3, LE4, and LE5). LE1 and LE3 had been employed by the Sheriff's Department for three years at the time of the shooting. LE2, LE4, and LE5 had been employed by the Sheriff's Department for four, eight, and ten years respectively.

### ***Statement of Sergeant Bligh***

Sergeant Bligh was assigned to the North Coastal Sheriff's Station as a patrol sergeant. He responded to a disturbance where deputies were on scene with a non-compliant suspect armed with a knife. The suspect was later identified as Edward Nett.

When Sergeant Bligh arrived, deputies told him Mr. Nett was inside an apartment with a hostage. Bligh went up the stairs toward the apartment and saw blood spatter and the words, “You're dead,” carved on the wall. When Bligh got to the apartment, he found the door closed and locked with the bottom half of the door broken as if it had been kicked in. Bligh and LE5 ordered Nett multiple times to come out and drop his knife to no avail. Bligh yelled into the apartment and asked to hear the hostage. Bligh heard a voice cry out from inside. Nett responded from inside the apartment saying, “Well, there he is.” Nett began making threats to kill the hostage. Bligh felt it was urgent to stop Nett. Deputies fired multiple rounds of pepper ball into the apartment, but it seemed to have no effect on Nett. Bligh crouched down and looked into the apartment through the broken portion of the door. He saw Nett inside the apartment about four feet away with a knife in his hand. Bligh feared Nett would hurt the hostage or lunge at the opening in the door and stab him in the face or neck. Bligh believed he could fire at Nett without hitting the hostage. He felt there was no other way to prevent Nett from hurting or killing the hostage. Bligh discharged his firearm four times striking Nett.

### ***Law Enforcement Witness One (LE1)***

LE1 responded to a radio call of a disturbance at 6012 Paseo Delicias. When he arrived he saw Mr. Nett sitting at the top of the stairs that led to two separate apartments. LE1 asked Nett his name. Nett responded, “My name is slit your throat.” LE1 tried to talk with Nett, but Nett became increasingly aggressive and began speaking to himself saying, “Go ahead and kill him now. Kill him now. Take the shot.” Nett reached into his waistband and then quickly brought his hand up at LE1, simulating a handgun, and shouted, “Bang bang.” Nett moved behind a wall, then popped out, and simulated pointing a rifle at LE1 while shouting, “Bang bang,” and “I'm going to fucking kill you.” LE1 could see a knife in Nett's hand and repeatedly ordered Nett to drop it. Nett failed to comply threatening LE1 and shouting expletives. LE1 called for backup.

Other deputies responded and formulated a plan to take Mr. Nett into custody using pepper balls and a Sheriff's canine. LE5 released his canine to the top of the stairs. The canine and Nett began to struggle. LE1 heard banging and what sounded like a door being kicked in. Nett disappeared from LE1's view and LE1 realized Nett had entered one of the upstairs apartments. LE1 heard Nett talking with someone inside the apartment and discussed with another deputy that this was now a hostage situation. LE1 heard Nett say he was not going to stab the hostage, but LE1 feared Nett would harm or kill the hostage based on his erratic behavior. LE1 saw the canine at the top of the stairs and noticed the canine was injured and bleeding.

Sergeant Bligh arrived on the scene and walked up the stairs. Bligh told the deputies they needed to enter the apartment now. Bligh and LE4 tried to kick in the door to the apartment, but were unsuccessful. Bligh crouched down and looked through the broken, lower portion of the door. LE1 could hear commotion from inside the apartment. One of the deputies began firing pepper-ball rounds into the apartment. LE1 then heard Bligh fire his handgun into the apartment.

LE1 reached into the broken lower portion of the broken door, unlocked the deadbolt and pushed the door open. LE1 entered with other deputies and saw Mr. Nett laying on his right side in a fetal position. A knife was on the ground next to Nett. LE4 handcuffed Nett. The hostage was found hiding in the bathroom. LE1 said he believed Nett would have killed the hostage had Sergeant Bligh not stopped him.

***Law Enforcement Witness Two (LE2)***

LE2 responded to the scene. LE2 met with other deputies and formulated a plan to take Mr. Nett into custody at the top of the stairs. LE2 heard Nett yelling obscenities and telling deputies he would, "Slit their throats," if they came upstairs.

LE2 deployed pepper-ball rounds to the landing at the top of the stairway and LE5 followed with releasing the Sheriff's canine. LE2 heard banging at the top of the stairs. One of the deputies stated Mr. Nett had broken down the door and entered one of the apartments. Nett yelled, "You know I have a hostage now. I'm going to kill the hostage." LE2 fired more pepper balls into the apartment and Nett replied, "Ha ha, you missed me." The pepper-ball launcher malfunctioned and LE2 went down the stairs as other deputies stayed near the apartment. LE2 heard Bligh fire four rounds.

***Statement of Law Enforcement Witness Three (LE3)***

LE3 responded to LE1's radio call. When he arrived he could hear Mr. Nett yelling obscenities at LE1 from the top of the stairway. LE3 saw Mr. Nett reach into his waistband and quickly point his hand up as if he was simulating a gun while making shooting sounds. Nett was acting in an aggressive manner and started to walk down the steps toward other deputies, then quickly turned away, and walked back up the stairs with a large knife in his hand. Nett was talking to himself, and at one point said, "OK boys lethal force is authorized, let's go get these guys."

LE5 arrived and deployed his canine after pepper-ball rounds were fired. The deputies made their way up the stairs and LE3 heard what sounded like the door to one of the apartments being broken down. LE5 announced Nett had entered an apartment. LE3 heard a voice from inside the apartment say, "Don't worry I'm not going to stab you," and "I have a hostage now and I will kill him if you try to come in."

LE3 knew the canine had been injured in the struggle and Mr. Nett had a hostage. Sergeant Bligh and LE4 tried to kick in the apartment door but were unsuccessful. Sergeant Bligh then fired four rounds through the door. LE3 entered the apartment and saw Nett on the ground with a gunshot wound. Nett continued to resist the deputies and was eventually handcuffed. LE3 believed Nett would have killed the hostage if the deputies had not intervened.

***Statement of Law Enforcement Witness Four (LE4)***

LE4 responded to LE1's radio call. Once on scene, LE4 heard LE1 and LE3 talking to Mr. Nett who was out of view at the top of the stairs. LE4 learned Nett was armed with a knife.

Deputies fired pepper ball rounds toward Mr. Nett and released the Sheriff's canine. The deputies started up the stairs toward Nett with LE5 and Sergeant Bligh leading the way. As the canine made it to the top of the stairs, LE4 heard a struggle and what he described as slamming into a wall. LE4 could not see what was happening with Nett, but he heard LE5 giving commands to the canine and shouting, "He's in the apartment. He's through the door."

LE4 moved up the stairs and saw the broken apartment door and blood in the area. Mr. Nett was inside the apartment yelling, "I have a hostage. I'm going to stab him if you guys try to come in here." LE4 believed someone was about to be immediately hurt. LE4 noticed a hand with a knife "swipe" at him and the other deputies through the opening in the door. Nett then said, "I'm going to stab him. I have a hostage." Sergeant Bligh fired into the apartment through the open section of the door. LE4 moved toward the opening and saw Mr. Nett lying on the floor. LE4 entered the apartment and kicked a switchblade knife away from Nett. Once LE4 and LE1 had Nett handcuffed, the hostage came out of hiding from the bathroom. LE4 believed the hostage would have been injured or killed had Nett not been stopped.

***Statement of Law Enforcement Witness Five (LE5)***

LE5 is a "K9" deputy and responded after deputies at the scene asked for the assistance of a canine. While in route, LE5 learned the deputies were engaged with a subject armed with a knife. This person was later identified as Mr. Nett.

On scene, LE5 was briefed that Mr. Nett was uncooperative, simulated having a gun, and was observed with a knife. LE5 and the other deputies formulated a plan to arrest Nett. LE5 gave two canine announcements and received no response. Pepper-ball rounds were

deployed and LE5 made eye contact with Nett. LE5 gave Nett loud, clear orders. Nett responded by saying, "Send the dog. I don't care about your pooch." Nett then began kicking on one of the apartment doors at the top of the stairs. LE5 feared Nett would force entry into the apartment and take a hostage. LE5 deployed his canine, which lunged at Nett, but quickly returned looking "stunned" and acting "odd."

LE5 ran to the top of the stairs but did not see Mr. Nett. LE5 observed the door to the apartment was broken in on the bottom half. LE5 yelled at Nett to get out of the apartment. Nett yelled back incoherently. LE5 saw movement inside the apartment through the opening in the door. Deputies fired additional pepper balls into the apartment. Around this time, LE5 noticed his canine bleeding from an injury below his left eye.

Sergeant Bligh arrived on scene and LE5 tended to his canine's injury. LE5 was walking towards his car when he heard four gunshots. He and his canine rushed back upstairs to the apartment and saw Bligh at the top of the stairs with his gun out. LE5 entered the apartment with other deputies and saw Nett on the floor. Once Nett was restrained and the hostage was located, LE5 left the scene and sought treatment for his canine.

#### ***Statement of Civilian Witnesses One***

CW1 originally reported the disturbance. She described hearing banging outside the front door of her apartment and a male later identified as Mr. Nett saying, "I really need a hot shower! I'm going to come in and kill you." CW1 was frightened, called police, and locked herself in her bathroom.

CW1 heard a deputy arrive on the scene and start to speak with Mr. Nett. She described Nett as uncooperative and having "aggressive and evil intent." CW1 was afraid for the deputy and asked the dispatcher to send more deputies. More deputies arrived, but Nett continued being verbally aggressive towards them. CW1 said the deputies, "tried really hard to get him to comply" but Nett refused.

CW1 heard the canine unit arrive and a loud commotion at the top of the stairs, followed by a brief quiet period, and then three to four gunshots. CW1 did not know who was shooting.

#### ***Statement of Hostage Victim***

The victim was lying in bed when a loud argument outside his apartment woke him. He later learned the arguing was Mr. Nett shouting at the deputies. The victim heard a deputy tell Nett to put down his knife.

The victim knew Mr. Nett was right outside his front door, so he got dressed and prepared to jump out a window. As the victim was tying his shoes, he heard Nett break through the front door, crawl through the hole, and enter his apartment. Once inside, Nett moved a dresser in front of the broken door to block the entrance. The victim tried unsuccessfully to hide behind his couch. The victim put his hands up and asked Nett, "Can I just leave?" Nett told him he couldn't leave and yelled to the deputies, "I have a hostage," and that he was going to

“slit” the victim’s throat. Nett put his arm against the victim’s chest and pointed the knife at him. The victim began screaming, “Don’t hurt me! Please don’t hurt me! Help!” The victim wanted the deputies to know he was in danger. Nett told the victim he wasn’t going to hurt him, but would yell to the deputies that he was going to slit the victim’s throat. The deputies distracted Nett at the front door and the victim ran to the bathroom and held the door closed with his body weight. Nett began banging on the bathroom door and yelling to the deputies that he had slit the victim’s throat. The victim also banged on the door from inside the bathroom to make as much noise as he could to let the deputies know he was not dead.

The victim heard three to five gunshots followed by a deputy shouting, “Shots fired.” Deputies entered the apartment and then asked the victim to come out of the bathroom. The victim was escorted out of the apartment while other deputies tended to Mr. Nett on the floor.

### ***Investigation***

The scene was secured, photographed and investigated by San Diego Sheriff’s Department Homicide detectives. The CAD printouts show 30 minutes elapsed between the time LE1 arrived and deputies advised shots had been fired.

Scene photographs, evidence reports, crime-lab reports, audio-recorded witness interviews, radio transmissions and crime reports were reviewed from this investigation. Videos captured by a business surveillance camera were reviewed, but did not record the activity in the stairway or the shooting. The San Diego Sheriff’s Department is not equipped with body-worn cameras.

Four bullet cartridge cases were recovered in a location consistent with Bligh’s stated firing location. The crime lab analyzed the casings and concluded all four rounds were fired from Sergeant Bligh’s handgun. A pepper-ball launcher was located at the scene in a location consistent with the deputies’ statements.

Post-incident examination revealed Mr. Nett was armed with a switchblade pocketknife with a 3-inch blade.

Investigators learned through interviews with Mr. Nett’s family that Nett has struggled with drug and alcohol abuse and has been homeless for years. According to Nett’s family, Nett has mental-health issues, but they were unaware of any professional, documented diagnosis.

Mr. Nett was on active parole at the time of the shooting for violently resisting law-enforcement officers in a 2015 incident. During the 2015 incident, Nett threatened an officer with a knife stating, “I’m going to kill you.”

### ***Injuries***

Mr. Nett sustained gunshot wounds to his right chest, right abdomen and left wrist. He is expected to make a full recovery.

The canine, "Benjer," suffered a puncture wound that extended into the nasal cavity requiring a single staple across the wound. Benjer is expected to make a full recovery.

Neither the hostage nor the deputies suffered physical injuries.

### ***Toxicology***

A sample of Mr. Nett's blood was taken shortly after his arrival at the hospital. The blood was later tested by the Sheriff's crime lab and it revealed Nett's blood alcohol content was .096. Nett tested negative for six commonly abused street drugs.

### ***Charges***

On April 18, 2017, Mr. Nett was bound over for trial at preliminary hearing on numerous felony counts, including assault with a deadly weapon on a police officer, false imprisonment and animal cruelty. He is scheduled to stand trial on June 19, 2017.

### ***Legal Analysis***

Under California law, Peace Officers may use deadly force to protect themselves from the threat of death or great bodily harm and to use reasonable force in making an arrest.

California Penal Code section 835a allows an officer to use reasonable force to make an arrest and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance. In accordance with Penal Code section 196, peace officers may use deadly force in the course of their duties under circumstances not available to members of the general public. We are mindful, however, that certain limits on the use of deadly force apply to peace officers.

Irrespective of any laws applicable to situations where peace officers use deadly force in accomplishing their duties, the law of self-defense and defense of others is available to any person. A person acts in lawful self-defense or defense of another if he reasonably believed that he or someone else was in imminent danger of suffering bodily injury, believed that the immediate use of force was necessary to defend against that danger, and used no more force than was necessary to defend against that danger.

### ***Conclusion***

Sergeant Bligh arrived on Paseo Delicias and was immediately presented with a dangerous and evolving situation, Mr. Nett was armed with a knife, and acting violent and erratic. After stabbing a Sheriff canine, Nett forced his way into an apartment, took a hostage, and threatened to kill the hostage. Deputies took appropriate steps to avoid the use of deadly force after verbal engagement was unsuccessful. Multiple pepper-ball deployments and the use of a canine were ineffective at incapacitating Nett. Nett further escalated the situation by informing deputies he was going to kill his hostage. Sergeant Bligh could see Nett armed with the knife inside the apartment and recognized the danger Nett presented. Fearing Nett would carry out his threat to kill the hostage, Bligh fired his handgun four times until he saw Nett drop the knife and fall to the floor.

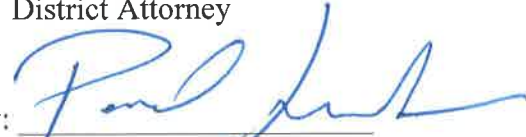
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The circumstances of the present case demonstrate Sergeant Bligh's use of deadly force was reasonable. As a result, he bears no criminal liability for his actions. A copy of this letter, along with the materials submitted for our review, will be retained in our files.

Sincerely,

BONNIE M. DUMANIS  
District Attorney

By:



PAUL AZEVEDO  
Deputy District Attorney  
Chief, Special Operations Division

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