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August 8, 2024

**PUBLIC REPORT ON OFFICER INVOLVED SHOOTING OF WESLEY KLOTTHOR  
ON JANUARY 13, 2024**

The Santa Barbara County District Attorney's Office has completed its review of the Santa Barbara Sheriff's Office ("SBSO") investigation into the fatal shooting of Wesley Klotthor, age 32, on January 13, 2024, in Santa Maria, California.

The following analysis is based upon investigative reports, video and audio recordings, photographs, and witness interviews, including the voluntary statements of Santa Barbara Sheriff Detectives Nicholas Adomaitis and Michael Savey, taken during the investigation and submitted to this office by SBSO Detective Ruben Esparza.

The District Attorney finds the shooting by Santa Barbara Sheriff Detectives Adomaitis and Savey was a justified use of force pursuant to Penal Code section 835a, and they bear no state criminal liability.

**FACTUAL HISTORY**

**Summary**

On Friday January 12, 2024, the parents of 32-year-old Wesley Klotthor<sup>1</sup> went to the Santa Barbara County Sheriff's substation in Santa Maria to speak with deputies about possible resources for their son who had a history of mental illness. The Klotthors described Wesley's behavior as becoming increasingly paranoid and delusional, and explained that he carried a Glock pistol on his person most of the time. Sheriff's deputies discussed various resources for the family and engaged the Sheriff's co-response team<sup>2</sup> for assistance. At this point the family was not in fear of Wesley nor had he threatened them.

The family contacted the Sheriff's Office again the following morning, after Wesley brought a concealed firearm with him to breakfast at a restaurant. The family explained to deputies that Wesley claimed he had a concealed carry weapon permit (CCW), and also reported that he said the voices in his head told him he was the "black angel of death." Based on this new

<sup>1</sup> To avoid confusion, the suspect Wesley Klotthor, will be referred to as "Wesley" in this report.

<sup>2</sup> The Sheriff's Co-Response program is where crisis intervention trained deputies and mental health clinicians from County Behavioral Wellness are partnered together to respond to mental health crises.

information, Sheriff's deputies prepared a Gun Violence Restraining Order (GVRO)<sup>3</sup> which was signed by the Honorable Judge Stephen Dunkle at 12:45 p.m. The clinician on the Sheriff's Co-Response team also placed Wesley on a 5150<sup>4</sup> hold based on him posing a danger to others. The Sheriff's team began planning for the service of the GVRO and 5150 order, along with the preparation of a search warrant for Wesley's residence and vehicle.

Later the same day, at 5:20 p.m., a member of the Klotthor family called 911 to report that Wesley was under the influence of a controlled substance and brandished a firearm at the family while saying, "I will shoot someone." The family fled the property, leaving only Wesley there. Sheriff deputies were dispatched to the home in Orcutt to establish a perimeter to contain Wesley in the house while a search warrant was obtained for the residence and an arrest warrant could be prepared for violations of Penal Code section 422, criminal threats and Penal Code section 417, brandishing a firearm. Knowing that Wesley was armed, under the influence of a controlled substance and exhibiting paranoid delusional behavior, Sheriff's personnel in charge of the scene developed a plan to contain and observe the suspect, and to make telephone contact with him in an effort to de-escalate the situation and encourage Wesley to surrender peacefully.

By 8:00 p.m., the Sheriff's plan to contain and communicate with Wesley was fully in place. Sheriff's Special Enforcement Team<sup>5</sup> members relieved patrol deputies and deployed in positions around the perimeter of the property. Sheriff's deputies evacuated neighboring properties for safety, and the Crisis Negotiation Team (CNT) engaged with Wesley on the phone. Their attempts to de-escalate the situation with Wesley were not successful. He was increasingly manic, paranoid and angry. Just after 9:00 p.m. Wesley told the CNT Deputy that in 10 minutes he would start shooting law enforcement on sight. He went outside several times armed with a Glock firearm affixed with a green laser sight. While outside he screamed "FBI! Drop your guns!" While screaming he scanned the backyard with his laser sight. He would do this and then go back inside the residence.

Three SET members (Detectives Adomaitis, Savey and Swank) were assigned to contain a portion of the backyard and to observe Wesley's movements and report to other deputies on-

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<sup>3</sup> A Gun Violence Restraining Order (GVRO) is a civil action taken by a local court. The temporary order gives an individual in crisis the opportunity to safely access help and care – and potentially stop an act of gun violence or suicide from occurring. It is not considered punishment under the law. Eligible petitioners include family members, law enforcement, current household members, coworkers, teachers, or an individual who has a child in common or who has a dating relationship with the person in crisis.

<sup>4</sup> Welfare and Institutions Code section 5150, when a person, as a result of a mental health disorder, is a danger to others, or to themselves, or gravely disabled, a peace officer, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation and crisis intervention in a facility designated by the county for evaluation and treatment.

<sup>5</sup> The Sheriff's Special Enforcement Team (SET) is akin to a Special Weapons and Tactics Team (SWAT), which is a specially trained and equipped team deployed to resolve "high risk situations" such as a barricaded subject, hostage-takings, stand-offs, and other critical incidents.

scene. They set up in the backyard of a neighboring property, standing on ladders to see over a fence into the Klotthor backyard. Around 9:30 p.m. Wesley returned to the backyard and aimed his firearm in the direction of Detectives Adomaitis and Savey. Detectives Adomaitis and Savey fired their weapons in response to the threat. Wesley died on scene.

### **Patrol Response**

At approximately 5:28 p.m. on January 13, 2024, a member of the Klotthor family called 911 to report that Wesley Klotthor was under the influence of a controlled substance, had just brandished a firearm at his family and said that he would shoot someone. The family member also reported that Wesley's paranoia had been significantly increasing, and earlier in the day he told his family he was the "black angel of death."

Patrol Sergeant Jared Waits was on duty at the time and was familiar with the situation concerning Wesley, as deputies on his squad had been assisting the Klotthor family the day prior. Six Sheriff deputies received the information from dispatch and responded to the Klotthor residence on Blake Street. Additional deputies arrived and were positioned around the perimeter of the residence. A Sheriff's helicopter was deployed to provide aerial surveillance of the scene, and a drone was requested from the Santa Maria Police Department for additional aerial surveillance. Lieutenant Frank Vasquez arrived and was the on-scene commander.

Deputies confirmed a GVRO against Wesley had been obtained and a search warrant was being prepared. Once sufficient units were on scene and in place, deputies began evacuating residences adjacent to 891 Blake Street. Deputy Muneton was assigned to contact Wesley to start negotiating with him, while Sergeant Waits monitored the phone call and relayed information to Deputies on scene and to Dispatch. Deputy Muneton's objective was to try to de-escalate the situation. Over the course of the next several hours, deputies remained in contact with Wesley as he became more and more delusional, paranoid, and he made threatening statements about killing law enforcement on sight. It became clear to Sergeant Waits that the situation had escalated beyond the scope of what could be safely handled by patrol resources, and Lt. Vasquez requested the Sheriff's Special Enforcement Team, Crisis Negotiation Team and other resources to deploy.

### **Crisis Negotiations with Wesley Klotthor**

Deputy Anthony Muneton is a member of the Santa Barbara County Sheriff's Co-Response Team. As a member of the Co-Response Team, Deputy Muneton's primary assignment is to prioritize crises and mental-health related calls for service. At 4:00 p.m. on January 13, 2024, Dr. Cheryl Lynn Lee, supervisor of the Co-Response Team, contacted Deputy Muneton to respond to the Lompoc sub-station regarding the on-going investigation into Wesley Klotthor's mental health crisis. Deputy Muneton was familiar with this investigation that had begun the day prior when Wesley's parents sought assistance for their son's escalating mental health crisis. Other

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members of the Co-Response Team who had been working on this investigation were present at the Lompoc sub-station.

After hearing the Dispatch call at 5:28 p.m. reporting that Wesley had threatened his family with a gun, Deputy Muneton responded “Code 3” with full emergency lights and sirens to the residence. Once there, Deputy Muneton was assigned to call Wesley. By establishing phone contact with a barricaded subject, a trained crisis negotiator will attempt to build rapport with the suspect and de-escalate the situation.

Deputy Muneton connected with Wesley at 6:40 p.m., and their phone conversation lasted approximately one hour and fifteen minutes. Sgt. Waits, the on-scene supervisor, stood by Deputy Muneton to relay any pertinent information from the phone call with Wesley to units on scene and to Dispatch. During this conversation Wesley claimed he was receiving death threats from the Mexican Mafia and a former employer, his neighbors were threatening to assassinate him and kidnap his eight-year-old son, the District Attorney was “instigating” against him and made attempts to frame him with a crime, people who were threatening him had paid the police to shoot him, and he discussed various subjects related to Greek and Aztec mythology. He offered that he had been 5150’d numerous times in the past but that God told him he was not crazy. Wesley made statements that he would shoot law enforcement on site, and that he spoke to God who told him to stay inside his house and stand his ground. Wesley also told Deputy Muneton that he was carrying his gun in his hand and that it was equipped with a laser under barrel attachment. Deputy Muneton believed, based on his training and experience, that Wesley was suffering from a potentially severe paranoid mental health episode. Deputy Muneton also had experience dealing with people in crisis, and knows that people who claim they speak to God and receive directions directly from God can be at high risk of resistance and violence.

After an hour and fifteen minutes on the phone with Wesley, Deputy Muneton began to transition from being the primary communicator with Wesley, to a member of the Crisis Negotiation Team communicating with him. Deputy Samaniego is an FBI-trained Crisis Negotiator and specially training in Crisis Intervention. At around 8:00 p.m. Deputy Samaniego began talking with Wesley with the primary goal of attempting to de-escalate the situation and assist Wesley in ending the situation peacefully. Wesley continued ranting about his former employer, the District Attorney, and neighbors. He said he was an ex-gang member who the Mexican Mafia believed to be a snitch. He controlled the conversation and appeared to Deputy Samaniego to be delusional and in a manic state. At one point in the phone call he became frustrated that law enforcement would not leave his property and said that in 10 minutes he would kill everyone on his property. Deputy Samaniego remained on the phone with Wesley, talking with him well past his 10-minute deadline. Deputy Samaniego knew that deputies were on scene and prepared to serve arrest and search warrants. He was concerned for their safety as Wesley became more agitated and delusional. At some point Wesley hung up and Deputy Samaniego was not able to re-establish contact with him.

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## **Officer Involved Shooting**

The patrol teams on scene had planned on serving the GVRO and search and arrest warrants against Wesley Klotthor, but after a couple of hours it was apparent that Wesley's delusions were escalating and he had threatened violence against law enforcement. Because of Wesley's behavior and the risk he posed, the Sheriff's Special Enforcement (SET) and Crisis Negotiations Teams were called in to serve the warrants. SET's mission was to relieve patrol, contain the residence while CNT attempted to de-escalate the situation with Wesley so that a GVRO warrant could be served and Wesley could surrender peacefully.

The Sheriff's helicopter had been flying over the residence and confirmed they saw the suspect, Wesley, outside with a firearm. The helicopter also saw that Wesley had a dog with him outside. Deputy Muneton had been talking with Wesley for more than an hour, and all SET members were informed that although he was communicating, Wesley was not compliant. Further information included that Wesley had threatened family members with a firearm earlier that day, and that there was probable cause to arrest him for criminal threats and brandishing a firearm.

SET Team Members, Detectives Adomaitis, Savey and Swank were assigned to contain a rear portion of the perimeter of the property at 891 Blake Street that was referred to as "perimeter 3."<sup>6</sup> The safest place for the detectives to cover perimeter 3 was from the backyard of 860 Patterson, the property just north of the Klotthor residence. Their mission was to observe and report if Wesley came out of the house (the helicopter left to refuel). Detectives Adomaitis and Savey were assigned to lethal cover with their patrol rifles, and Detective Swank was armed with a less lethal shotgun. The detectives placed ladders against the fence that was between the backyard of 860 Patterson and the Klotthor residence. The ladders enabled the detectives to see over the wooden fence and into the Klotthor backyard. The wooden fence provided the detectives some concealment, but did not provide cover.<sup>7</sup> Detectives Savey and Adomaitis' ladders were very close to one another, while Detective Swank was further away from them.

While on the ladders in the backyard, Detectives could hear yelling from inside the Klotthor residence. They understood he was on the phone with the crisis negotiator. One of the detectives was able to see Wesley inside the house. Wesley was pacing back and forth, with a phone in hand, and he was yelling angrily. Wesley's dog kept coming outside up to the fence where the detectives were located and barked incessantly. The detectives were concerned that the dog would reveal their location to Wesley. The detectives heard radio traffic that Wesley had

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<sup>6</sup> SET members provide orientation at a location by labeling a location, in this case a house, in a clockwise manner where the front of the house is "1", the left side of the house going clockwise is "2", the rear of the house is "3," and the right side is "4."

<sup>7</sup> Cover is protection from the fire of hostile weapons. Concealment is protection from observation.

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a laser attachment on his handgun, and the deputies in the helicopter had seen a green laser light pointing towards the helicopter earlier when Wesley was outside. Detective Savey told the others that Wesley told CNT seven minutes prior that in 10 minutes he was going to start shooting the cops.

At some point after the 10-minute warning had expired, Wesley came outside and walked towards the fence. Detective Adomaitis reported that he backed down the ladder so that he could create distance from Wesley. Wesley was yelling but the detectives did not understand what he was saying, and then he returned to the house. A short time later, at approximately 9:30 p.m., Wesley returned outside. Detective Adomaitis heard Wesley say something to the effect of "FBI! Drop your guns!" He saw Wesley walking towards their location and saw the green laser from Wesley's gun. He heard Wesley say, "Let's go get them." At this time Detective Adomaitis believed Wesley knew where the detectives were positioned. Detective Adomaitis was looking over the fence when the green laser light went into his left eye, partially blinding him. He blinked several times before regaining his sight. Detective Adomaitis said "Stop!" or "Drop it!" Detectives Savey and Adomaitis were next to each other and both reported seeing Wesley's firearm pointed at them. They both thought Wesley would shoot them or their partners. In response to this threat, Detectives Adomaitis and Savey fired their weapons until Wesley fell to the ground.

SET members then entered the backyard and approached Wesley who was obviously deceased.

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## Crime Scene

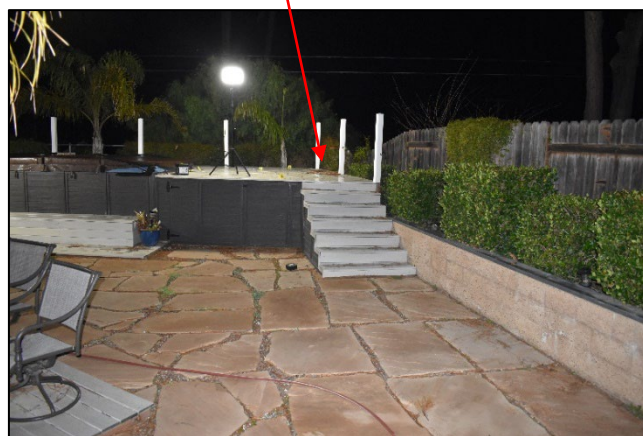
The Klotthor residence at 891 Blake Street is an eastwardly facing two-story house. The large backyard area is accessible through a gate to the right of the residence. The backyard shares a fence with two other homes at 895 Blake Street and 860 Patterson Road. In the main portion of the backyard there is a corner end where the west and north ends of the fence line meet. At this area there is a large uncovered white deck with wooden stairs leading up to a jacuzzi tub. It is near this area, on the other side of the fence at 860 Patterson Road, where Detectives Adomaitis, Savey and Swank set up their ladders and where the shooting took place.



Location of Sheriff Detectives



Location of Wesley Klotthor



Location of deck and jacuzzi tub

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Crime scene investigators recovered ballistics evidence, including expended cartridge cases near or on the white deck area and bullet fragments near Wesley Klotthor's body. Investigators also recovered a damaged Glock 23 firearm next to Wesley, a broken off green laser light from Wesley's firearm, and a broken magazine spring.



Wesley Klotthor's Glock 23 handgun



Broken off green light laser from Klotthor's firearm

### **Autopsy**

On January 18, 2024 Dr. Manuel Montez, a forensic pathologist employed by the Santa Barbara Sheriff's Office, performed a post-mortem examination of Wesley Klotthor and obtained toxicological samples. Dr. Montez opined that the cause of death was multiple gunshot wounds. Wesley suffered 6 gunshot wounds to his head, neck, shoulder, right arm and right ring finger. A sample of Wesley's blood was submitted to a forensics laboratory for testing. The toxicology results indicated the presence of multiple intoxicating substances in his blood at the time of his death, including methamphetamine, marijuana, and alcohol. Deputy Coroner Bibby certified the manner of death as a homicide.

## **LEGAL ANALYSIS**

### **Applicable Law**

A peace officer is justified in using deadly force upon another when the officer reasonably believes, based on the totality of the circumstances that such force is necessary for either of the following reasons: (1) to defend against an imminent threat of death or serious bodily injury to the officer or another; or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. *Penal Code section 835a(c)(1)(A) and (B).*

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A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. *Penal Code section 835a(e)(2)*.

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under 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. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. *Penal Code section 835a(4)*.

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. *Penal Code section 835a(2)*.

“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 force. *Penal Code section 835a(e)(3)*. The Santa Barbara District Attorney’s Office evaluates the investigation of any peace officer, on or off duty, who shoots and injures or kills any person to determine if they bear any criminal liability.

### **Application of Law**

On January 12, 2024, Wesley Klotthor’s parents reported to law enforcement that their son, Wesley Klotthor was experiencing severe paranoid delusions and routinely carried a loaded firearm on his person. The Sheriff’s Mental Health Co-Response Team began working with the Klotthor family to help them identify resources for their son who appeared to be experiencing a mental health crisis. Sheriff’s deputies obtained a Gun Violence Restraining Order and a mental health clinician eventually signed an order for Wesley to be committed to a mental health facility for 72 hours.

The following day, January 13, 2024, Wesley Klotthor’s mental health crisis began to escalate. He told his family he was “the black angel of death” and while under the influence of a controlled substance he brandished a firearm at them and said that he was going to shoot someone. Sheriff’s Deputies responded to the Klotthor residence where Wesley was barricaded inside. After hours of Crisis Negotiators talking with Wesley in an attempt to de-escalate the situation and encouraging him to surrender peacefully, Wesley declared that in 10 minutes he would go outside and shoot law enforcement officers on his property.

Three Sheriff’s Detectives were assigned to the rear perimeter of a property adjacent to the Klotthor home. Detectives Adomaitis, Savey and Swank were positioned on ladders to see into

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the backyard of the Klotthor home so that they could observe Wesley's movements and contain him at the home. The Detectives could hear Wesley yelling inside the home and they knew he was in contact with Crisis Negotiators on the phone.

Around 9:30 p.m., Wesley returned outside and the detectives heard him say, "Let's go get them." Wesley then shined a laser attached to his Glock firearm directly at Detectives Adomaitis and Savey. The laser temporarily blinded Detective Adomaitis. Wesley pointed his firearm in the direction of Detectives Adomaitis and Savey while they gave him commands to drop his weapon. Both Detectives were in fear for their own lives and the lives of their partners. In response to the threat to their lives, Detectives Adomaitis and Savey fired their rifles until Wesley fell to the ground.

### **CONCLUSION**

In reviewing the evidence and considering all of the circumstances, the actions taken by Detectives Adomaitis and Savey were reasonable based on the facts known and perceived by them at the time of the shooting. Detectives Adomaitis and Savey reasonably believed that Wesley Klotthor posed an imminent threat of serious bodily injury or death to themselves and their partners on scene. Any reasonable law enforcement officer would perceive Klotthor's actions as an immediate lethal threat to anyone in the immediate vicinity. Therefore, Detectives Adomaitis and Savey's use of lethal force was justified and they bear no state criminal liability for their actions.

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