



**RON FREITAS**  
*District Attorney, San Joaquin County*  
PROTECTING OUR COMMUNITY SINCE 1850

**M E M O R A N D U M**

**TO:** Stanley McFadden, Chief of Police  
Stockton Police Department

**FROM:** Mark Ott, Chief Deputy DA   
Homicide/PCRU/OIS

**SUBJECT:** Review of SPD 22-38638 for potential criminal prosecution

**DATE:** May 18, 2023

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The Office of the District Attorney for San Joaquin County has reviewed the above Stockton Police Department Report along with the associated Body Worn Camera videos and the companion case (SPD 23-3394) for criminal liability, if any, associated with the actions of Officer Matthew Wright.

It appears from the noted materials that Tomas Shackleford refused to exit a bathroom at a local restaurant. Officer Wright asks Mr. Shackleford to exit several times. Eventually Mr. Shackleford is taken to the ground where Officer Inn and Officer Wright are attempting to gain control of Mr. Shackleford. During this portion of the interaction, Officer Wright strikes Mr. Shackleford approximately 15 times in the face with a clenched fist.

Penal Code Section 835a governs an officer's use of force. See *Graham v. Conner* (1989) 490 U.S. 386, 396. See also *Jeffers v. Gomez* (9<sup>th</sup> Cir. 2001) 267 F.3d 895. Furthermore, criminal liability is not sought by the Office of the District Attorney if the charges are not supported by probable cause. California Rules of Professional Conduct 5-110.

As such, the San Joaquin County District Attorney's Office will not be pursuing criminal liability in regard to the actions of Officer Matthew Wright associated with SPD 22-38638. The Office believes that any malfeasance of Officer Wright is best addressed administratively by Stockton Police Department.