

1 TODD SPITZER, DISTRICT ATTORNEY
2 COUNTY OF ORANGE, STATE OF CALIFORNIA
3 BY: CHRIS ALEX
4 Deputy District Attorney
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9 Attorneys for Plaintiff

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

12	THE PEOPLE OF THE STATE OF CALIFORNIA,)	
13)	NOTICE OF, AND MOTION TO
14	Plaintiff,)	ADVANCE ARRAIGNMENT TO
15)	AUGUST 15, 2023 TO IMPOSE
16	vs.)	ADDITIONAL NON-MONETARY
17)	CONDITIONS TO SUPPLEMENT
18	JEFFREY MALCOLM FERGUSON,)	\$1,000,000 SCHEDULE BAIL.
19)	
20	Defendant.)	Date: August 10, 2023
21)	

22 Following his August 3, 2023 arrest for violation of Penal Code §187(a), Jeffrey
23 Ferguson (hereinafter the “Defendant”) posted bond in the amount of \$1,000,000 – the standard
24 monetary amount designated by the Uniform Bail Schedule for non-capital murder. Defendant
25 committed a non-capital murder.

26 On the morning of August 4, 2023, Defendant posted \$1,000,000 bond and, having done
27 so, was released with an arraignment date scheduled for September 1, 2023.

28 The People hereby request the arraignment be advanced to Tuesday, August 15, 2023.
Further, as described herein, based the evidence uncovered during the course of the investigation,

1 the People contend that schedule bail of \$1,000,000 – without supplemental non-monetary
2 conditions – is insufficient to protect public safety and/or ensure Defendant’s attendance at trial.
3 The People therefore request, and provide notice to Defendant of its intention to request, the
4 following non-monetary conditions (in addition to schedule bail of \$1,000,000) be imposed:

- 5
- 6 1. Surrender passport to the court;
- 7 2. Consent to revocation of CCW permit;
- 8 3. Possess no firearm of any kind, and no ammunition of any kind;
- 9 4. Submit to search and seizure;
- 10 5. Remain in Orange County, Riverside County or Los Angeles County;
- 11 6. Wear at all times, and make no efforts to tamper with, an ankle bracelet with GPS
12 coordinates, progress to be monitored by the Probation Department;
- 13 7. Do not enter the property line of any airport;
- 14 8. Have no contact with his son that was present during the homicide, except:
 - 15 (a) through counsel-of-record;
 - 16 (b) under circumstances where (1) the son consents to personal, telephonic, verbal
17 or video chat contact and; (2) the son is accompanied throughout such contact by
18 a chaperone that is either an attorney in good standing with the State of California
19 or individual otherwise approved of by the Court;
 - 20 (c) under circumstances where the son consents to written contact; and
 - 21 (d) the son is permitted, at his discretion, to record any contact
- 22 9. Consume no alcohol;
- 23 11. Possess no alcohol; and
- 24 12. Do not enter the premises of any liquor store, tavern, or establishment where alcohol is
25 the primary item of sale.
- 26

27 The request for non-monetary conditions to supplement \$1,000,000 schedule bail is based
28 on the factual synopsis below, the declaration attached hereto, and any argument at hearing.

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2 APD DR 23-114118
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4 On the evening of Thursday, August 3, 2023, Defendant shot his wife, Sheryl Ferguson,
5 through the chest in the living room of their home in Anaheim. He used a loaded .40 pistol that
6 he pulled from his ankle holster. He shot her at close range. He did so while intoxicated. His
7 adult son (hereinafter the "Son") witnessed the homicide.

8 The shooting stemmed from an argument that began earlier that same evening. While
9 arguing at dinner (at a restaurant nearby their residence), Defendant pointed his finger at his wife
10 (hereinafter the "Victim") in a manner mimicking a firearm. Upon returning to their residence,
11 the couple, still in the company of Son, resumed arguing periodically over the course of more
12 than an hour. Moments prior to the shooting and in reference to the hand gesture made at dinner,
13 Victim uttered words to the effect of: "why don't you point a real gun at me?" Defendant
14 retrieved his pistol from his ankle holster and shot Victim center mass.

15 Son called 911. He reported his father was drinking too much, that arguments had ensued
16 between his parents since dinner, and that his dad shot his mother. Son's efforts to stabilize
17 Victim (as well as those undertaken by first responding law enforcement) were unsuccessful.

18 Shortly after Son's 911 call, Defendant himself called 911 to report (vaguely) that his
19 wife had been shot. When asked whether he shot his wife, Defendant responded that he did not
20 want to talk about it now and, when asked again, responded that his wife needed paramedics.

21 Within minutes of the murder, Defendant sent a text message to his court clerk and
22 bailiff: "*I just lost it. I just shot my wife. I won't be in tomorrow. I will be in custody. I'm so*
23 *sorry.*" Both recipients misassumed Defendant was joking. By way of context, Defendant is a
24 judge employed by the Orange County Superior Court who (up until the homicide) was assigned
25 to handle pre-preliminary hearing felony calendar in Department N3 of the North Justice Center.
26 He served as a Superior Court judge since 2015. Prior to, he served as a Deputy District Attorney
27 with the Orange County District Attorney's Office for over thirty years.
28

1 Upon initial contact with patrol officers, Defendant was still wearing the (by then) empty
2 ankle holster.¹ He asked patrol officers to shoot him. He slurred words and smelled of alcohol.
3 As captured on body worn camera, Defendant made several spontaneous statements, including:

4
5 *“fuck ... fuck ... what the fuck did I ... well I guess I’m done for a while ... shit ...*
6 *shit me ... shit me ... shit ... oh my God ... my son ... my son ... fuck me ... what*
7 *an asshole I am, Jesus Christ”*

8
9 *“I’m sorry ... I fucked up”*

10
11 *“Oh man I can’t believe I did this ...”*

12
13 At the Anaheim police station, he volunteered similar remarks acknowledging
14 culpability.

15 During search of the premises, APD located 47 firearms – rifles, shotguns, and handguns
16 – and over 26,000 rounds of ammunition. All firearms were legally owned. An additional rifle,
17 also legally owned and not involved in the homicide, was later located at the residence and
18 legally secured by the defense counsels. One additional legally owned rifle – a .22 caliber – is
19 registered to Defendant; its origin and whereabouts are currently unknown.²

20 The murder weapon, recovered from the scene, is a Glock .40 pistol. A single spent .40
21 casing was recovered from the floor immediately in front of the couch where Defendant was
22 located when he shot his wife to death. Victim, as plainly evident from viewing her body at the

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24 _____
25 ¹ Defendant has a CCW permit.

26 ² Good faith efforts by law enforcement to locate the rifle have been unsuccessful. Good faith efforts by the defense
27 counsels to locate the rifle have likewise been unsuccessful.

1 scene, died of a single through-and-through gunshot wound to the center chest. The projectile
2 exited her mid back and careened into a wall behind her, later to be recovered by investigators.

3 Pursuant to a search warrant, Defendant provided a blood sample approximately seven
4 (7) hours after the shooting. The sample was tested by the Orange County Crime Lab, which
5 yielded a blood alcohol concentration of .06 (as of the time of the blood draw). Son has never
6 witnessed domestic violence between his parents (prior to the night of); but, he also reported that
7 he has witnessed many arguments and that Defendant tends to be more heated when he drinks.

8 Son reported that, a few years prior, Victim reported to him that Defendant had attempted
9 suicide with a gun; specifically, that she witnessed Defendant had placed a gun to his head and
10 that she thereafter talked him out of suicide. Son also reported one prior occasion where
11 Defendant discharged a firearm while alone in a bathroom at the house; Son did not witness the
12 prior incident, but his understanding was that it involved an accidental discharge.

13 The Orange County Crime Lab conducted a function test of the Glock .40. The trigger
14 pull weighed just over five (5) pounds. Further ballistics examination is pending.

15 Defendant is seventy-two (72) years old and without prior criminal record. He has lived
16 in Orange County for many decades. That said, if convicted of murder, Defendant – *at best* – is
17 facing a life sentence where he will not see a parole board until at least eighty-two (82)³ and – *at*
18 *worst* – will not see a parole board prior to death.

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20 **DISCUSSION**

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22 Statutory bail of \$1,000,000 is insufficient to protect public safety and ensure
23 Defendant's appearance at trial, absent imposition of supplemental non-monetary conditions.

24
25 _____
26 ³ In practical terms, the minimum sentence if convicted of murder would amount to 15 – Life (less the standard 1/3
27 custody credits awarded by CDCR); in other words, seeing the parole board roughly 10 years. Given his occupation
28 and professional experience in the criminal justice system, there is no way Defendant could be unaware of this.

1 The circumstances indicate that intoxication factored into the homicide. Accordingly,
2 reasonable and logical non-monetary conditions designed to prevent *any* degree of intoxication
3 are warranted: consume no alcohol, possess no alcohol, and stay away from any establishment
4 where alcohol is the primary item for sale.

5 Defendant loves Son. It is also true that Son is the only eyewitness to the homicide.
6 Accordingly, reasonable and logical non-monetary conditions designed to prevent any degree of
7 risk or undue influence upon Son are warranted: to limit contact to any lawful contact through
8 counsel-of-record and/or any consenting personal contact that provides for a mechanism to
9 memorialize the nature of the contact (through chaperone, writing, or recording).

10 Defendant stands accused of murder involving the use of a firearm. Via text message in
11 the immediate aftermath, he confessed to shooting his wife. Body worn camera memorializes
12 several admissions acknowledging culpability. Accordingly, reasonable and logical non-
13 monetary conditions designed to prevent danger to the community are warranted: possess no
14 weapons, possess no ammunition, surrender CCW permit, and submit to search and seizure.

15 Although Defendant lacks criminal history, it is also true that – given his age and
16 sentencing exposure – he faces (and, by virtue of his employment, is fully aware he faces) the
17 realistic prospect that he will die in prison if convicted. Accordingly, reasonable and logical non-
18 monetary conditions designed to mitigate flight risk are warranted: remain in only Orange,
19 Riverside, and Los Angeles Counties, stay away from all airports, surrender passport, and wear a
20 GPS ankle monitor.

21
22 Dated: August 10, 2023

Respectfully submitted,

TODD SPITZER, DISTRICT ATTORNEY
COUNTY OF ORANGE, STATE OF CALIFORNIA

23
24
25 By: 

CHRIS ALEX
DEPUTY DISTRICT ATTORNEY

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2 COUNTY OF ORANGE, STATE OF CALIFORNIA
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9 Attorneys for Plaintiff

10 THE PEOPLE OF THE STATE OF CALIFORNIA,
11 Plaintiff,
12
13 vs.
14 JEFFREY MALCOLM FERGUSON,
15 Defendant.

)
)
) **DECLARATION IN SUPPORT OF**
) **REQUEST TO IMPOSE NON-**
) **MONETARY CONDITIONS TO**
) **SUPPLEMENT SCHEDULE BAIL**

)
) Date: August 10, 2023
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19 **DECLARATION**

- 20
21 1. I am an attorney licensed to practice law in the State of California;
22 2. I am currently employed as a Deputy District Attorney by the office of the Orange
23 County District Attorney;
24 3. I am the assigned prosecutor to the above-captioned homicide;
25 4. The facts and circumstances of the homicide – as outlined in the above-request for
26 imposition of non-monetary conditions to supplement schedule bail – are true and
27 accurate to the best of my knowledge, and my knowledge to their veracity is based on: (a)
28 information I reviewed in search warrants executed during the investigation; (b)

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discussions I have had with individuals from the Anaheim Police Department and Orange County Crime Lab; (c) my personal observations within the crime scene the morning of Friday, August 4, 2023; and (d) my review of police reports, body worn camera footage, recorded interviews, 911 calls, phone text messages, and other discovery.

To the above I declare under penalty of perjury and, for those matters I declare based on information provided by another, I do sincerely believe that information to be true.

Dated: August 10, 2023

Respectfully submitted,

TODD SPITZER, DISTRICT ATTORNEY
COUNTY OF ORANGE, STATE OF CALIFORNIA

By:



CHRIS ALEX
DEPUTY DISTRICT ATTORNEY