

Fatal Officer Involved Shooting of David Alvarado
San Gabriel Police Department

Officer Paul Puente, #110

J.S.I.D. File #21-0009



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 1, 2023

MEMORANDUM

TO: CHIEF EDDIE ELIZALDE
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of David Alvarado
J.S.I.D. File #21-0009
S.G.P.D File#2021-00012
L.A.S.D. File #021-00001-3199-013

DATE: November 1, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 2, 2021, fatal shooting of David Alvarado by San Gabriel Police Department (SGPD) Officer Paul Puente. We have concluded that it cannot be proved beyond a reasonable doubt that Officer Paul Puente acted unlawfully when he fired his weapon.

The District Attorney's Command Center was notified of the shooting on January 3, 2021, at 1:24 a.m. However, based on the review of the circumstances and COVID-19 virus precaution protocol, the District Attorney's Response Team did not respond to the scene.

The following analysis is based on body worn camera video (BWV), dashboard camera mounted video, recorded witness statements, photos, and reports submitted to this office by LASD Homicide Bureau Detectives Scott Giles and Adan Torres, on April 5, 2022. Compelled statements, if any, were not considered as part of this analysis.

INTRODUCTION

On January 2, 2021, at 11:39 p.m., San Gabriel Police Department Officer Paul Puente conducted a traffic stop on a Honda Civic with a broken headlight, at [REDACTED] South San Gabriel Boulevard. David Alvarado was the driver and his girlfriend was seated in the passenger seat. When Officer Puente asked for Alvarado's driver's license, he handed Officer Puente a California Identification (I.D.) card. Officer Puente accessed Alvarado's information and determined that Alvarado did not have a valid driver's license. Officer Puente informed Alvarado that since he did not have a valid

driver's license, Officer Puente was impounding his car.¹ Officer Puente asked Alvarado and his girlfriend, to exit the car. Officers Ramon Guillen and Diego Cortez responded to the location to assist Officer Puente with the traffic stop. As Alvarado sat on the street curb by the back end of the Honda, his girlfriend sat about 10 feet away on a small concrete curb on the other side of the sidewalk.

Officer Puente began an inventory search of the passenger compartment of the car and found a bundle of what he believed was heroin, in the center console. He showed Alvarado the bundle, but Alvarado appeared unconcerned. Officer Puente opened the trunk and moved to the back of the car. Before Officer Puente began searching the trunk, he asked Officer Guillen to move Alvarado next to his girlfriend (off the street curb and away from the back of the car). Seconds after Officer Puente made the request, Alvarado jumped to his feet and using both his hands, shoved Officer Puente down into the (traffic lane) street.

Officer Puente got to his feet and scrambled to the back of his patrol car while Alvarado moved towards the trunk of the Honda. Alvarado began grabbing things out of the trunk and throwing them onto the street. As he reached for a green and black bag, Officer Guillen who was standing on the curb rushed towards Alvarado and yelled, "Don't go for it! Don't go for it or I will have to shoot you!"

Alvarado ignored the commands and emptied the contents of the bag, into the street. Officers Guillen and Cortez with their service weapons drawn, repeatedly warned Alvarado they were going to shoot him if he grabbed for an object in the bag. Officer Guillen grabbed Alvarado to keep him from reaching in the trunk. However, Alvarado pulled free of Officer Guillen's grip, grabbed an item from the pile on the street, and pulled it to his chest. As the officers yelled commands to stop, Officer Puente shot Alvarado.

Officer Guillen grabbed Alvarado and told him, "You've been shot, go down-go down!" Alvarado continued struggling with Officer Guillen and shouted back, "Fuck you!" As Alvarado struggled with Officer Guillen, Alvarado tried to grab an object in the street. Officer Puente shot Alvarado again. Alvarado dropped to the ground and rolled onto all fours to get up. While on all fours, Alvarado continued moving towards the items on the ground and was shot, again. Inside the bag was a black plastic bag containing a loaded black semi-automatic handgun.

FACTUAL ANALYSIS

Video Evidence

Officer Puente's Patrol Car Dash Camera

On the night of the incident, Office Puente was driving a marked black and white patrol car and wearing a police uniform. He initiated his patrol dash camera (without audio) as a black Honda passed in front of his car. Officer Puente pulled out and followed directly behind the Honda.

¹ Alvarado stated that his driver's license was suspended, however Officer Puente verified that Alvarado had a restricted license. Alvarado was only permitted to drive to and from work and he acknowledged that (on the night of the incident) he was just "driving around."

Within 40 seconds after Officer Puente began following the Honda, the driver, David Alvarado, pulled over to the right side and parked.

Officer Puente approached the driver's side of Alvarado's car with a flashlight in his right hand as Alvarado passed his I.D. card through the window to Officer Puente. Officer Puente returned to his patrol car with Alvarado's I.D. card and approximately three minutes later returned to the passenger side of the car. He crouched down and talked to the occupants while Officer Cortez stood on the sidewalk next to Alvarado's car. Officer Puente asked Alvarado and his girlfriend to exit the car and sit on the curb, at the back of the car. Alvarado's girlfriend was later moved to a small concrete curb bordering the entrance to a business driveway.

Officer Guillen arrived approximately 15 minutes after the initial stop. While Officer Puente conducted an inventory search of the car's passenger compartment, Officer Guillen asked Alvarado about his (visible) tattoos and their significance. Alvarado was cooperative, removing his jacket and lifting his shirt for Officer Cortez to photograph him.



Figure 1: Before searching the trunk, Officer Puente pointed to the area where he wanted Alvarado to move.

While Officer Guillen was still talking to Alvarado, Officer Puente opened the trunk and walked to the back of the Honda. With his flashlight in his right hand, Officer Puente pointed with his left hand and asked Officer Guillen to move Alvarado to the area where Alvarado's girlfriend was seated, on the concrete curb (*Figure 1*).

Seconds after Officer Puente requested Alvarado move, Alvarado jumped to his feet and using both hands, shoved Officer Puente into the northbound traffic lane (*Figure 2*).



Figure 2: Alvarado jumped to his feet and shoved Officer Puente into the street.

Officer Guillen was looking and down taking notes when Alvarado shoved Officer Puente into the street. Officer Guillen immediately drew his service weapon and rushed to the back of the car to grab Alvarado, who was searching inside a green bag in his trunk (*Figure 3*).

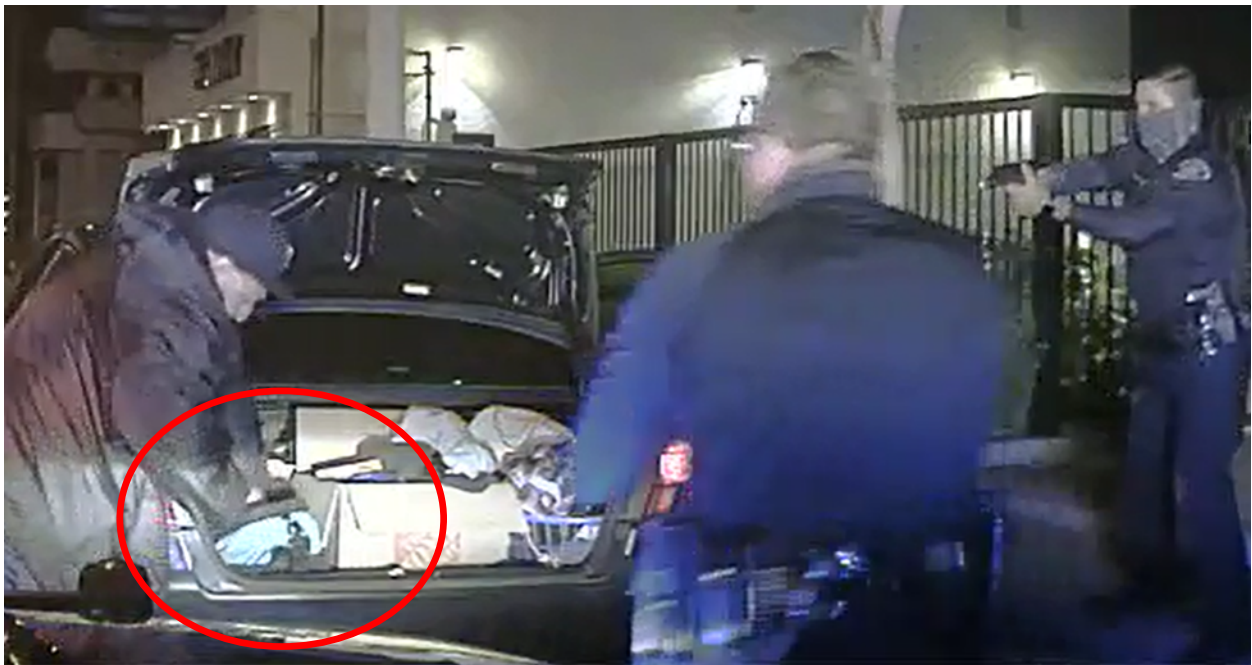


Figure 3: Alvarado with both hands (red circle) in the green bag as both officers ordered him to stop.



Figure 4: Alvarado struggled with Officer Guillen, as both officers had their weapons out.

Before Officer Guillen could seize him, Alvarado began throwing items out of his trunk into the street, including a green bag. Both Officer Guillen and Officer Cortez had their weapons drawn and were pointing them at Alvarado, while yelling at him to stop what he was doing (*Figure 4*).

Officer Guillen grabbed Alvarado and tried to pull him away from the trunk. As Officer Guillen and Alvarado struggled at the back of the car, Alvarado pulled away from Officer Guillen and bent down to pick up something that came from the trunk. As he came up, Officer Puente shot him. Alvarado was shot again (off camera) and landed on his back. He rolled over and reached for something and was shot again.

Body Worn Video (BWV)

Officer Puente activated his BWV while he was seated in his car looking at Alvarado's driver's license. He exited his car and approached the passenger side of the Honda and asked Alvarado whether he knew his license was restricted (i.e. limited to only driving to and from work). Alvarado told Officer Puente he knew that it was restricted because he had been in an accident and had an outstanding ticket. Officer Puente asked him about registration for the Honda. Alvarado told him he had just purchased the car but had not changed the ownership paperwork.

Officer Puente asked Alvarado's passenger, [REDACTED], for identification and she provided him with a California I.D. card. She stated she did not have a driver's license.

Officer Puente returned to his car and wrote out a citation while Officer Cortez approached, activated his BWV, and waited on the street curb next to the car (*Figure 5*). Officer Puente returned to the car for Alvarado to sign the citation.



Figure 5: Alvarado's California ID card and Officer Puente's completed traffic citation.

Alvarado stepped out of the Honda and Officer Puente explained to Alvarado that he was being cited for driving on a restricted license. He asked Alvarado if he had any weapons or illegal drugs on him or in the car. Alvarado said, "No." Officer Puente patted him down and asked Alvarado to sit on the curb by the back of the Honda. Officer Puente asked if Alvarado had any objections to searching his car. Alvarado paused and said, "I do, actually." Officer called dispatch to request a tow truck and told Alvarado he was impounding his car.

When Officer Puente searched the passenger compartment, he found Alvarado's California Driver's license and a bindle of what he believed was heroin in the center console. While holding the bindle in his hand, Officer Puente asked Alvarado "(Is) this is why you didn't want me to search your car?" Alvarado was nonreactive and calmly replied, "Eh, whatever."

Officer Guillen, who had arrived after Officers Puente and Cortez, activated his BWV and began asking Alvarado background questions. He asked Alvarado about being in jail or prison and if he used any (illegal) drugs. Alvarado said he had been in jail "pretty recently" for drugs. When asked what kind of drugs and how much he used, he told Officer Guillen that he used heroin, but only "recreationally." Officer Guillen complimented Alvarado and told him he did not look like an addict. Officer Guillen told him, "You look pretty healthy . . . you look like you work out."

As Officer Puente shined his light into the trunk of the Honda, he asked Officer Guillen to move Alvarado from his seated position at the back of the car to where [REDACTED] was seated, on a concrete curb (approximately 10 feet back from the street).

Without warning, Alvarado jumped up and immediately shoved Officer Puente with both hands, to the ground (*Figure 6*). Officer Puente's BWV is chaotic as he scrambled around the back of his patrol car to the right front (passenger) side.



Figure 6: Officer Puente (yellow circle) was knocked to the ground by Alvarado, who began throwing items out of his trunk onto the street.



Figure 7: Officer Guillen's BWV while struggling with Alvarado (green bag circled in red). Officer Cortez was on the sidewalk while [REDACTED] was seated on the concrete curb.



Figure 8: Officer Cortez' BWV after Alvarado threw out the bag (circled in red) and then reached for it as he struggled with Officer Guillen.

Officer Cortez was searching inside the passenger compartment of the car when it began shaking. Someone yelled, “Hey!” Officer Cortez came around the back of the Honda as Officer Puente was on the ground and Alvarado was grabbing for a green and black bag that was in the trunk.

Officer Guillen rushed to the back of the Honda and grabbed Alvarado. Officers Guillen and Cortez had their service weapons drawn and were pointing them at Alvarado, while Officer Guillen struggled to keep Alvarado from getting into the trunk (*Figure 7*).

Officer Guillen yelled at Alvarado, “Don’t go for it! Don’t go for it, Bro! Don’t go for it or I will have to shoot you, Bro!” Alvarado yelled back, “Fucking shoot me, bro!” Alvarado grabbed the bag and threw it into the street (*Figure 8*).



Figure 9: Alvarado was shot, but kept reaching for the bag as Officer Cortez and Officer Guillen gave him orders to stop.

Alvarado reached down with both hands, grabbed the items he had thrown into the street, and pulled them towards his chest while Officers Cortez and Guillen yelled at him to stop. As Officer Puente came from around the passenger side of his patrol car, he shot Alvarado (*Figure 9*).

Officer Guillen told him, “. . .you been shot, I gonna have to help you.” Alvarado continued struggling with Officer Guillen and yelled back, “Fuck you!” (*Figure 10*). Alvarado broke away from Officer Guillen and moved towards the items in the trunk when Officer Puente shot Alvarado, again.



Figure 10: Alvarado was shot, but still struggled with Officer Guillen. Officer Puente shot Alvarado a second time.



Figure 11: Alvarado was on his back, after being shot a second time and rolled over to reach for something when he was shot a third time.

After being shot a second time, Alvarado fell onto his back. While on his back, Officer Guillen yelled, “Don’t move! Don’t move!” Alvarado rolled back up and lunged for something, saying, “Motherfucker! You Motherfucker!” (*Figure 11*). Officer Puente shot him again and Officer Guillen ordered Alvarado to “Stay down!” Alvarado remained on his back when Officer Puente began chest compressions.

Officer Puente went back to the bag that Alvarado had thrown from the trunk and opened a black plastic bag, which contained a loaded handgun. He alerted Officer Guillen and Officer Cortez that he had found a gun (*Figure 12*).



Figure 12: Officer Puente’s BWV as he opened the black plastic bag with Alvarado’s gun, inside.

Civilian Witness Statements

██████████

██████████. said it was approximately midnight when he stopped to get tacos at a taco truck on San Gabriel Boulevard. He was approximately a “few hundred feet away” from what he described as a “routine traffic stop,” involving a small black sedan. As he was about to order and pay for his food, he saw [multiple] officers surrounding the car.

He could see that the driver of the sedan had a bald head and he was with a female passenger with long brown hair. ██████████. heard “elevated speaking” and looked over to where the officers were standing, one on the driver’s side of the sedan and two at the passenger’s side.

██████████. saw that the officers had their guns drawn and heard them yelling. He heard, “Get down, get out.” . . . [The officer] was telling [Alvarado] to stop.” ██████████. believed

[Alvarado] was trying to run away from the officers. He saw [Alvarado] running at the officer and pulling the officer's shirt. [REDACTED] heard more yelling and commands and saw the officer on the driver's side of the car fire his service weapon. After [REDACTED] heard shots, he thought he saw an officer kick or shoot [Alvarado], while he was down.

[REDACTED] said that the man [Alvarado] "was being commanded by the officers to either stay in his car or to not move, and he disobeyed and moved anyway."

[REDACTED]

[REDACTED] stated she and Alvarado had been in dating relationship for two months when he picked her up from work, earlier that day. They were driving around when an officer pulled them over for a faulty headlight. She said the officer checked [Alvarado's] license and registration.

The officer asked them both to exit the car. Three officers were present, one officer pulled her aside while another officer talked to Alvarado. Her view of Alvarado was blocked by the officer who was speaking to her.

Alvarado was sitting on the curb while she sat farther away on a "brick seat." Her view was partially obstructed by the officers, but she saw Alvarado and an officer, ". . . at each other." She was unable to describe what she was seeing and used her hands to demonstrate, ". . . like when you shake someone." She agreed that the motion was like a "tug-o-war."

She heard an officer say, "[We are] going to shoot!" and saw their weapons out. She heard gunshots and began crying.

Officer Statements

Officer Paul Puente

On January 2, 2021, at 11:39 p.m., Officer Puente was monitoring traffic in a marked black and white patrol car, when he saw a black Honda Civic with a front headlight out. Officer Puente conducted a traffic stop at [REDACTED] South San Gabriel Boulevard. David Alvarado was the driver and his girlfriend, [REDACTED], was seated in the passenger seat. Officer Puente asked Alvarado for his driver's license and registration. However, Alvarado handed Officer Puente a California I.D. card and told him he had just recently purchased the car.

Officer Puente verified through a dispatch records check, that Alvarado did not have a valid driver's license and that his driver's license was suspended. He asked Alvarado to step out of the car. Officer Puente patted him down and asked him to sit on the curb. Officer Puente told Alvarado, because he had a suspended license, his car was going to be impounded and searched. Officer Puente asked Alvarado if there was anything dangerous in the car, such as drugs or weapons. Alvarado told him, "No."

Officer Puente described Alvarado and his passenger [REDACTED], as "cooperative [during] the traffic stop." Officer Puente asked Alvarado's girlfriend to exit the car. Alvarado sat on the curb next to his car, while [REDACTED] sat on a concrete curb about 10 feet away.

Officer Puente observed that Alvarado was in his mid-thirties, was approximately 5'10-5'11 tall, over 200 pounds, shaved head, and tattoos on his arms, neck, and head. Officer Puente believed, Alvarado's "demeanor, his tattoos, were consistent with a person who was a gang member."

When Officer Puente notified Alvarado that he was going to conduct an inventory search on the car, he noticed that Alvarado appeared nervous and kept looking at him.² Officer Puente asked Alvarado if he could search his car and Alvarado, said "I'd rather you not."

Officer Diego Cortez was Officer Puente's assigned backup partner and arrived at the location as Officer Puente began searching the interior compartment of the car. As Officer Puente searched the interior, he found what he believed to be a bindle of heroin in the center console.

Approximately five minutes after the stop, Officer Ramon Guillen drove by the location. Officer Puente flashed him with his flashlight and asked him to stop and assist.

Officer Puente asked Officer Cortez to check under the driver's front seat in the passenger compartment while Officer Puente searched the trunk.

Officer Puente opened the trunk and walked to the back of the car. He asked Officer Guillen to move Alvarado away from the trunk to create distance between Officer Puente and Alvarado, for officer safety. As Officer Puente told Officer Guillen to move Alvarado from the curb, Alvarado jumped up. Officer Puente believed Alvarado was standing up to move, because [up to that point in time] he had been cooperative and compliant. However, when Alvarado jumped up, he came face to face with Officer Puente and with both hands, shoved him to the ground.

Officer Puente was pushed hard and fell backwards. He said, "I fell down to the ground, uhm, in[to] the number two lane of the northbound San Gabriel, and because I got knocked down so hard I was unable to quickly get to my feet."

Officer Puente crawled around to find cover behind his patrol car as Alvarado ran to his trunk and began pulling items out, ". . . because as soon as I fell to the floor, I saw the male driver . . . start pulling items out of [the trunk], as if he was searching for a weapon." Office Puente scrambled to the back of his patrol car for cover, believing he was about to be shot. He told investigators, ". . . in my mind I couldn't crawl fast enough, because I thought I was going to be shot in the back of the head."

As Officer Puente scrambled away, he could see Officer Guillen "struggling back and forth as the male driver is reaching for various items, as though reaching for a weapon." As Alvarado reached into the trunk, he heard Officer Cortez yelling, "Hey! Don't do it! Don't do it!" and Officer Guillen yelled, "Hey, don't reach! Don't reach!"

Officer Puente came around to the front passenger side of his patrol car, when he saw Alvarado reach in the trunk and grab a black bag that came from the green bag. Alvarado "clenched it tight into his . . . stomach." Officer Puente drew his service weapon and shot Alvarado, fearing

² Warrantless searches of vehicles are justified under several exceptions including, "inventory searches" of impounded vehicles. Lawfully impounded vehicles may be searched for the purpose of determining condition and contents on the vehicle, at the time of impounding, to avoid subsequent disputes or false claims.

that Alvarado had a gun and was going to shoot either him or the other officers. Officer Puente stated it appeared to him that Alvarado was searching for a weapon in the trunk based on Alvarado's demeanor and the way that Alvarado "actively resisted [them] at gunpoint." Officer Puente stated, "I feared that my officers were either gonna be shot at or I was gonna be shot at."

Officer Puente saw a small black bag fall out of the green duffle bag and saw Alvarado reaching for the black bag as he fought with Officer Guillen. Puente told investigators, the black object fell next to Alvarado, "So before he can pick up what I thought was a weapon and -- and -- and [sic] then shoot us, that is when I took my first shot."

Despite being shot, Alvarado continued reaching for the bag, ignoring officers' commands to stop reaching. Officer Puente heard Alvarado saying, "Fuck you!" as he kept reaching for the black bag. Officer Puente shot at Alvarado, again.

As Alvarado fell to the ground, he continued reaching for a black object that was within reach of his body. Still fearing for his and the other officer's lives, Office Puente shot him again. Officer Puente was unsure how many shots he fired.

Paramedics were called and Officer Puente began chest compressions on Alvarado. Officer Guillen relieved Officer Puente until paramedics arrived. Once he was relieved by Officer Guillen, Officer Puente opened the green bag possessed by Alvarado. Inside the bag was a black plastic bag with a black semi-automatic handgun inside.

Officer Ramon Guillen

Officer Guillen was working patrol that night and was responding to an alarm call for a building near the location where Officer Puente was conducting his traffic stop. Officer Guillen drove to the location and asked Officer Puente if he needed assistance. Officer Puente told him that he had a person detained and he could use his assistance.

Officer Guillen began a conversation with Alvarado while Officer Puente began an inventory search of the interior of Alvarado's car. Alvarado was seated on the curb next to the car trunk about a foot away from the car. Officer Guillen asked Alvarado about a possible gang affiliation. Alvarado showed him an "AVES Chico Locos" tattoo. Officer Guillen asked about Alvarado's membership in the "Avenues" gang and asked if he belonged to a specific clique. Alvarado stated he was from the "Chicos Locos" clique.

Officer Guillen told investigators, Officer Puente asked to move Alvarado away from the back of the car for officer safety. As Alvarado got up, he shoved Officer Puente with both hands, to the ground and began reaching towards the driver's side taillight in the trunk, "... as if he was feeling for something, like looking for something with his hands ..."

Officer Guillen believed that Alvarado was reaching for a weapon, possibly a gun. Officer Guillen grabbed Alvarado's right shoulder with his left hand as he unholstered his service weapon. He told Alvarado three to four times, "Don't go for it! Don't go for it! Or I will have to shoot you, I'll have to shoot you!" Officer Guillen said he reholstered his weapon so that he

could use both his hands to control Alvarado and prevent him from grabbing a weapon in the trunk. However, Alvarado was able to toss out the contents of the green bag onto the street.

As Alvarado focused on an object on the street, Officer Guillen heard shots fired. Officer Guillen told him, "Hey, you've been shot bro, just go down. You know we need to help you." Alvarado responded, "Fuck you!" Officer Guillen stated he struck Alvarado in the face to get distance away from him.

Alvarado backed up and began looking for something on the ground. Officer Guillen could see a pile of clothing on the ground that had come from the green bag. When Alvarado reached for the pile of clothing, shots were fired at him a second time.

Alvarado went down to the ground but attempted to get into an "all fours" position and move to the area where he dumped the contents of the green bag. As Officer Guillen kicked Alvarado in the face to keep him from reaching for something on the ground, he heard more gunshots fired. He saw Alvarado go down and stay down on the ground. Officer Guillen was still concerned for his safety when he unholstered his weapon and told Alvarado to "Stay down! Don't get up!"

Officer Guillen later saw a gun lying in the clothing that came from the green bag.

Officer Diego Cortez

At approximately 11:00 p.m., Officer Cortez responded to the 1800 block of South San Gabriel, to assist Officer Puente during a traffic stop. When he arrived, he saw Officer Puente crouched down on the passenger side of the car talking to Alvarado who was in the driver's seat.

Officer Cortez heard Officer Puente tell Alvarado he was going to impound his car. As Officer Puente began an inventory search of the car, Officer Cortez noticed that Alvarado was "kind of acting weird . . ." Officer Cortez clarified his thoughts by describing the interaction, "He wasn't acting like a normal person on a traffic stop. . . It just didn't feel right for whatever reason."

When Officer Puente showed Alvarado a baggy of an illegal substance he found in the car, Officer Cortez described Alvarado's reaction as "Oh, whatever." Officer Cortez continued to have a "[bad]feeling" and asked Officer Guillen who had stopped by on an alarm call, to stay and assist them.

Officer Cortez saw tattoos all over Alvarado's neck and head and saw an "Avenues" tattoo on the back of his head. Officer Cortez asked Alvarado if he had any [nonvisible] tattoos. Alvarado took off his jacket and Officer Cortez photographed his tattoos.

While Officer Puente searched the trunk and Officer Guillen was talking to Alvarado, Officer Cortez was looking in the passenger compartment of the Honda when he heard a scuffle and felt the car move. When he looked outside the Honda, he saw Officer Guillen struggling with Alvarado. Alvarado kept reaching in the trunk and throwing stuff out onto the street. He saw Officer Guillen pull Alvarado away from the trunk, but Alvarado resisted and kept returning to the same spot in the trunk.

Officer Cortez unholstered his service weapon and shouted, “Stop! Stop! . . . Stop or we’ll shoot!” Alvarado ignored the commands and grabbed a black bag. Officer Puente was yelling, “Stop! Stop!” and Officer Cortez was yelling, “Stop or we’ll shoot!” Officer Cortez had his service weapon pointed at Alvarado but felt he could not take any lethal action because Officer Guillen, who was fighting with Alvarado, was in his line of fire. As he was trying to figure what he should do, he heard rounds being fired.

When Officer Cortez went to look at the contents of the black bag that had been thrown onto the street by Alvarado, Officer Cortez saw a plastic bag with a black semi-automatic handgun. (Figure 12).

Evidence Collected

Springfield Armory Handgun

Investigators recovered a 9 mm Springfield Armory pistol, on the ground next to the Alvarado’s car. The pistol had one round in the chamber and 11 rounds contained in a magazine (Figure 13). Another 9 mm round was recovered from inside Alvarado’s car in a storage container near the driver’s side front door.



Figure 13: Alvarado’s loaded gun.

DNA Analysis Report

Multiple swabs were collected from the 9mm Springfield Armory handgun for DNA analysis. Samples taken from the trigger, trigger guard, grip, slide and frame, magazine all tested positive for the presence of DNA and included Alvarado as the main contributor.

Autopsy

On January 7, 2021, Los Angeles County Medical Examiner Dr. Jacquelyn Morhaime performed an autopsy of Alvarado's remains. Dr. Morhaime attributed Alvarado's death to (a fatal) gunshot wound of the torso.

Alvarado suffered three gunshot wounds to his body. The first projectile caused a perforating wound at the base of his external genitalia. A second perforating wound (of soft tissue only) was caused by a projectile entering his anterior right thigh and exiting the side. A third and fatal wound was caused by a penetrating projectile that entered his torso, perforating his left lung, aorta and right lung. Alvarado had additional superficial blunt force injuries including abrasions, which did not contribute to his death.

Alvarado's toxicology analysis determined the presence of methamphetamine, phencyclidine (PCP), and opiates.

Lab Examination Report

The substance found by Officer Puente in the center console of Honda, tested positive for the presence of heroin, in the amount of 0.1764 grams (net).

LEGAL ANALYSIS

A peace officer is justified in using deadly force 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 person; 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) &(B).

"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 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).

When considering the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, are taken into consideration. Penal Code section 835a(a)(4) and (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for

occasions when officers may be forced to make quick judgments about using force. Penal Code section 835a(a)(4).

The Jury instructions for self-defense say that a person acted in lawful self-defense or defense of another if (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury and (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger. CALCRIM No. 505.

CONCLUSION

This incident occurred during a routine traffic stop. Both Alvarado and [REDACTED] initially cooperated during their initial detention. Even after Officer Puente located heroin inside the car and told Alvarado what he had found, Alvarado remained calm. However, once it became clear to Alvarado that Officer Puente was going to search the car's trunk, Alvarado reacted violently, pushing Officer Puente to the ground and reaching into the trunk to search for an item.

Officer Cortez and Officer Guillen, with weapons drawn and pointed at Alvarado, yelled at him to stop searching in the trunk. Officer Guillen believed Alvarado was reaching for a gun and attempted to pull Alvarado away from the vehicle, but Alvarado repeatedly broke away. An independent witness heard the officers yelling, "Get down, get out!" and telling [Alvarado] to stop what he was doing. Based on his observations, the witness believed [Alvarado] was trying to run away from the officers.

Officers repeatedly ordered Alvarado to stop reaching and told him that they would shoot him if he continued searching inside the trunk. Alvarado broke away and grabbed the bag (containing the gun) and held it to his chest. Alvarado's singular focus on the contents of the duffle bag and repeated attempts to gain control of the bag, support Officer Puente's belief that Alvarado was searching for a gun.

Officer Puente stated, "I feared that my officers were either gonna be shot at or I was gonna be shot at" based on Alvarado's demeanor and the way that Alvarado "actively resisted [them] at gunpoint."

Officer Puente told investigators, that he believed the black object that fell from Alvarado's duffle bag was a gun because Alvarado was willing to risk getting shot by the officers to gain possession of the bag. Officer Puente told investigators, "So, before [Alvarado] can pick up what I thought was a weapon and . . . then shoot us, that is when I took my first shot."

Officer Puente further stated that even after Alvarado had been shot, Alvarado said, "Fuck you!" and continued reaching for the black object, causing Puente to shoot again. Still fearing for his and the other officers' safety, as Alvarado attempted to get up, Officer Puente fired a third time.

Once the scene was secured and the officers were no longer in fear for their lives, the officers discovered the black object that Alvarado repeatedly attempted to access contained a loaded semi-automatic handgun.

Although Officer Puente did not see Alvarado's gun while Alvarado was fighting with Officer Guillen, it cannot be proved that Officer Puente's stated fear that Alvarado was attempting to

arm himself and shoot the officers was unreasonable and that Officer Puente's decision to use deadly force was not necessary.

Based on the totality of the circumstances, it cannot be concluded that Officer Paul Puente acted unlawfully when he used deadly force against David Alvarado.