

**Fatal Officer Involved Shooting of Sam Conner
Los Angeles County Sheriff's Department**

Deputy Raymond Johnson, #610525

Deputy Matthew Seno, #621533

J.S.I.D. File #20-0426



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 8, 2021

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Sam Conner
J.S.I.D. File #20-0426
L.A.S.D. File #020-09760-0373-013

DATE: November 8, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 15, 2020, fatal shooting of Sam Conner by Los Angeles County Sheriff's Department (LASD) Deputies Raymond Johnson and Matthew Seno. We have concluded that the deputies acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at 3:20 a.m. on November 15, 2020. The District Attorney Response Team responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings of witness interviews, photographs, a 9-1-1 call, radio traffic, and witness statements submitted to this office by LASD Detectives Louie Aguilera and Maria Maciel. The voluntary statements of Deputies Johnson and Seno were considered as part of this analysis.

FACTUAL ANALYSIS

The 9-1-1 Call

On November 15, 2020, at 1:49 a.m., Vittorio K. called 9-1-1 and reported a "5150" man, later identified as Sam Conner, standing in the middle of the street and pointing a blue steel handgun at passing motorists.¹

The Shooting

Deputies Johnson and Seno were in uniform and on patrol in a marked patrol vehicle. They received a radio call of a man with a gun and drove to the location. They saw Conner standing in the street and pointing a gun at the driver of a car. Johnson stopped the patrol car, Seno exited,

¹ "5150" is colloquial for a person who has mental illness.

and both deputies drew their service weapons. Johnson did not have time to exit the patrol car. Conner pointed the gun at the deputies. Both deputies fired their service weapons at Conner, striking him five times. The deputies called paramedics who transported Conner to the hospital where he died. An aerial photograph of the scene showing the proximity between the deputies' patrol vehicle and where Conner fell to the ground after being shot is shown below, with Conner's gun circled in red:



Figure 1- Aerial photo of the patrol car and the area where Conner fell after being shot. Conner's gun is circled in red.

Conner's Gun

Conner was armed with a .357 magnum revolver loaded with one live .38 caliber round and five expended .357 caliber cartridge casings.² Photographs of Conner's gun are shown below:

² A .357 caliber revolver fires both caliber rounds.



Figure 2- Conner's loaded .357 magnum revolver.



Figure 3- Photo of Conner's gun with five expended rounds and one live round.

Firearms Evidence

Both deputies were armed with 9mm semiautomatic handguns. Fifteen expended cartridge casings were recovered at the scene. Based on a magazine and round inventory conducted after the shooting, Seno fired twice, and Johnson fired 13 times. It cannot be determined with certainty which rounds struck Conner.

Video Evidence

The deputies were not wearing body worn video. A canvass of the scene was conducted, and no surveillance video was recovered.

Vittorio K.'s Statement

Vittorio K. told investigators he saw a man in the street acting like a "mad man," holding a dark colored handgun, and "harassing" a passing vehicle, so he called 9-1-1. Deputies arrived and moments later Vittorio K. saw the man turn toward the deputies and he heard gunshots. He said he did not see the details of the shooting because of poor lighting, but he saw the man fall after the shots were fired.

Samantha C.'s Statement

Samantha C. is Conner's sister. She told investigators that Conner was diagnosed with severe schizophrenia, frequently talked to himself, was not under the care of a doctor, had not been taking his medication, and had learned to live with his mental illness.

Deputy Seno's Statement

Seno told investigators he was on patrol with Johnson and was the right front passenger in the patrol car. They received a radio broadcast of a man with a gun who was standing in the middle of the street. They drove to the location and saw the man, later identified as Conner, standing in the street and pointing a gun at a passing motorist. Johnson stopped the patrol car approximately 15 to 18 feet away from Conner and tried to draw Conner's attention away from the passing motorist. Seno exited the patrol car, drew his service weapon, and yelled at Conner, "Drop the gun!" Conner turned toward Johnson and Seno and pointed the gun at them. Seno feared that Johnson, who was closer to Conner, would not be able to find cover and would be shot while still seated in the patrol vehicle. While standing behind his door frame on the passenger side of the patrol car, Seno fired four to five rounds at Conner. Johnson, who did not have time to exit the patrol car before the shooting, fired his duty weapon at Conner from the driver's seat. Conner fell to the ground with the gun in his hand. Seno requested medical assistance for Conner.

Deputy Johnson's Statement

Johnson told investigators he was on patrol with Seno when they received a radio call of a man with a gun standing in the middle of the street. They drove to the location and saw Conner pointing a gun at the driver of a passing vehicle. Given the gravity of the situation, Johnson considered driving the patrol car into Conner to prevent him from shooting the motorist. Instead, Johnson stopped the patrol car. Conner immediately started walking toward the patrol car while pointing a gun at them.

Johnson thought Conner was going to kill him and his partner. Johnson thought about being shot and killed and thought about his daughter. Johnson put his foot on the brake pedal and fired at Conner seven to eight times while still in a seated position in the patrol car, through the open driver's side window. Johnson also heard Seno fire his service weapon. Conner fell to the ground, stilling holding the gun as he landed on top of it. The deputies held Conner at gunpoint and Seno radioed for help.

The Autopsy

Deputy Medical Examiner Matthew Miller, M.D., performed a postmortem examination of Conner's remains and determined that Conner had been shot in the head, neck, abdomen, right thigh, and left lower leg. The direction of three of the gunshot wounds was front-to-back. One wound had an undetermined direction and the another was left to right and upward. The cause of death was multiple gunshot wounds. A toxicology analysis was performed and showed that Conner had the presence of cocaine in his system at the time of his death.

LEGAL ANALYSIS

The Law

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

A peace officer is justified in using deadly force upon another person 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 to 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) and (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 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 on 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 is 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).

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

Analysis

The evidence presented shows that Conner was armed with a loaded and operable handgun and presented an imminent and deadly threat to the public and the deputies. The deputies saw Conner pointing a gun at a motorist, which corroborated the 9-1-1 call they received. The situation unfolded so rapidly that Johnson considered running Conner over with the patrol car in order to protect the motorist from what reasonably appeared to be an imminent deadly threat. By the time Johnson stopped the patrol car, Conner was already walking toward the deputies, from close range, and pointing the gun at them. Johnson did not have time to get out of the patrol to deploy any less-lethal means to protect himself and his partner. Seno had cover behind the patrol car and was not in position to use less-lethal means nor did he have time to do so. If the deputies hesitated or did nothing, they would have risked their lives and the lives of others. Their decision to use deadly force to stop the deadly threat Conner presented was reasonable and necessary.

CONCLUSION

We find that Deputy Seno and Deputy Johnson acted lawfully in self-defense and in defense of others when they used deadly force against Sam Conner.