

# **Fatal Officer Involved Shooting of Jesus Flores**

## **Azusa Police Department**

**Officer Joseph Stewart, #1184**

**Officer Alejandro Gomez,, #1183**

**J.S.I.D. File #21-0453**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**November 22, 2022**

## **MEMORANDUM**

TO: CHIEF ROCKY WENRICK  
Azusa Police Department  
725 N. Alameda Avenue  
Azusa, California 91702

CAPTAIN ANDREW D. MEYER  
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 Jesus Flores  
J.S.I.D. File #21-0453  
A.P.D. File #21-44512  
L.A.S.D. File #021-00109-3199-057

DATE: November 22, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 22, 2021, fatal shooting of Jesus Flores by Azusa Police Department (APD) Officers Joseph Stewart and Alejandro Gomez. We have concluded that Officers Stewart and Gomez acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on October 22, 2021, at 7:54 p.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, audio recordings of witness interviews, photographs, radio traffic, and surveillance video submitted to this office by Los Angeles County Sheriff's Department (LASD) Detectives Michael Davis and Joseph Valencia.<sup>1</sup>

The voluntary statements of Officers Stewart and Gomez were also considered.

### **FACTUAL ANALYSIS**

---

<sup>1</sup> The involved officers were not equipped with body worn cameras.

On October 22, 2021, at approximately 4:50 p.m., Jesus Flores, who was on parole for assault and had a no bail parole warrant for his arrest, was armed with a loaded 9mm handgun and driving a stolen GMC.<sup>2</sup>

APD Officers Lauren Ferrari, Alejandro Gomez, and Joseph Stephenson, in three marked patrol cars, attempted to conduct a traffic stop of Flores to detain him for driving the stolen GMC as he was attempting to flee from a parking lot.<sup>3</sup> The incident was captured partially on surveillance video. The scene, positions of the subject automobiles, and Flores' direction of travel are approximated in the photo below:<sup>4</sup>

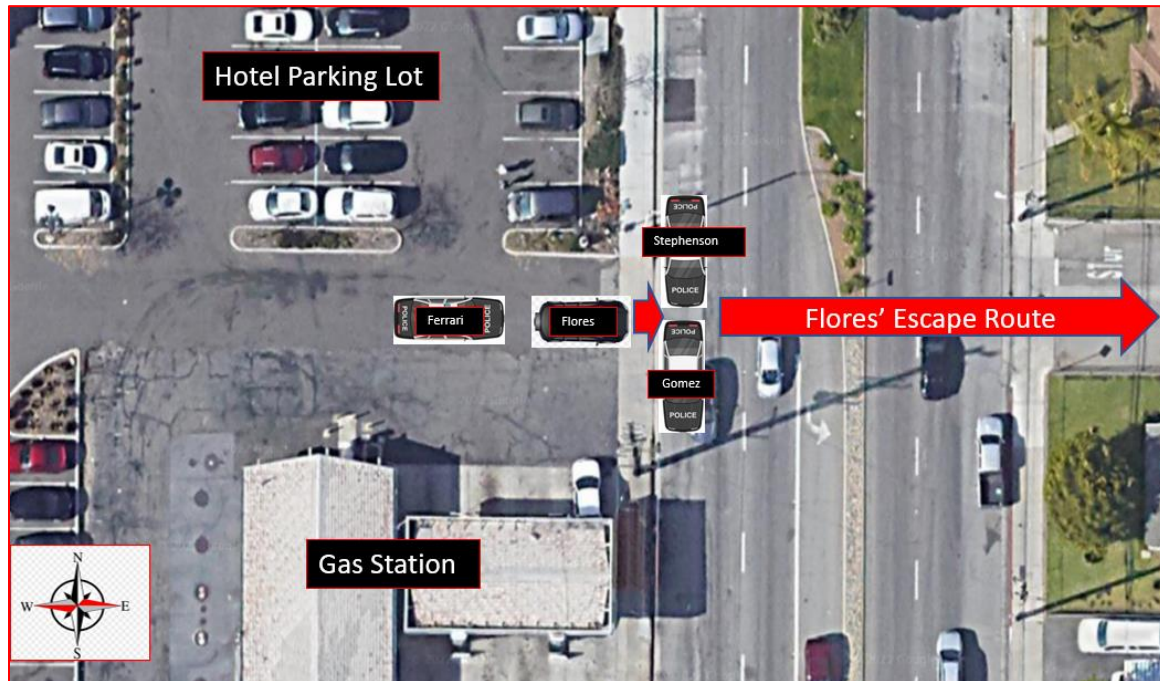


Figure 1- Photo of the scene with positions of subject vehicles approximated.

### **The Initial Contact**

Ferrari illuminated her overhead forward facing red lights and attempted to block Flores's forward travel. Flores did not stop and drove around Ferrari's patrol car and attempted to exit the parking lot to a congested four lane street. Ferrari's attempt to block Flores is shown in the photo below:

<sup>2</sup> Flores was on parole arising from a conviction in Los Angeles Superior Court case number BA485162. Flores' parole was revoked and a warrant for his arrest was issued on September 10, 2021.

<sup>3</sup> The stolen vehicle was detected by an Automated License Plate Reader (ALPR) located near the scene.

<sup>4</sup> There is no dash camera or body worn video of the incident.



Figure 2- Photo of Ferrari attempting to block Flores.

### **The First Collision**

Gomez arrived and stopped his patrol car in front of Flores to block his escape. Flores drove around Gomez's patrol car as Stewart was arriving, placing Stewart and Flores in a head-on position. Stewart crashed into the front of Flores' car. An obstructed video of that collision is shown in the photo below:



Figure 3- Photo of Stewart ramming Flores' car to stop him from fleeing.

### **The Second Collision**

Flores then accelerated rapidly backward into Ferrari and her patrol car, knocking the patrol car backward and into Ferrari who had exited the driver's side door, as shown in the obstructed video below:





Figure 4- Photo of Flores reversing into Ferrari's patrol car.

### **The Third Collision and Shooting**

Flores then accelerated rapidly forward in the direction of Gomez and Stewart who were standing near their patrol cars. Flores narrowly missed them both and struck Gomez's patrol car. Stewart fired one round and Gomez fired three rounds at Flores and the GMC, stating later that they were attempting to stop Flores from killing them or a bystander with his car. A photo of Stewart in the path of Flores' car at the time of the shooting is shown below:



Figure 5- Photo of Flores driving his car at Stewart and Stewart jumping out of the way.

### **The Pursuit**

After the gunshots, one of which struck Flores in the head, Flores was successful in ramming his way through the patrol cars. He drove over a landscaped center median and sped away down a side street. Flores' driving the car over the center median and fleeing is shown below:



*Figure 6- Flores driving over the center median and fleeing.*

### **The Fourth Crash**

A short distance away, Flores drove through a street sign and a chain-link fence and launched the GMC into a wash, as shown in the photographs below:



*Figure 7- Photo of the damaged chain link fence.*



*Figure 8- Photo of the damaged street sign.*



*Figure 9- Photo of the crashed GMC laying on its side in the wash.*

### **Flores' Gun**

Flores was located unconscious and partially ejected from the car. He had a loaded 9 mm semiautomatic handgun among his personal property, as shown in the photo below:





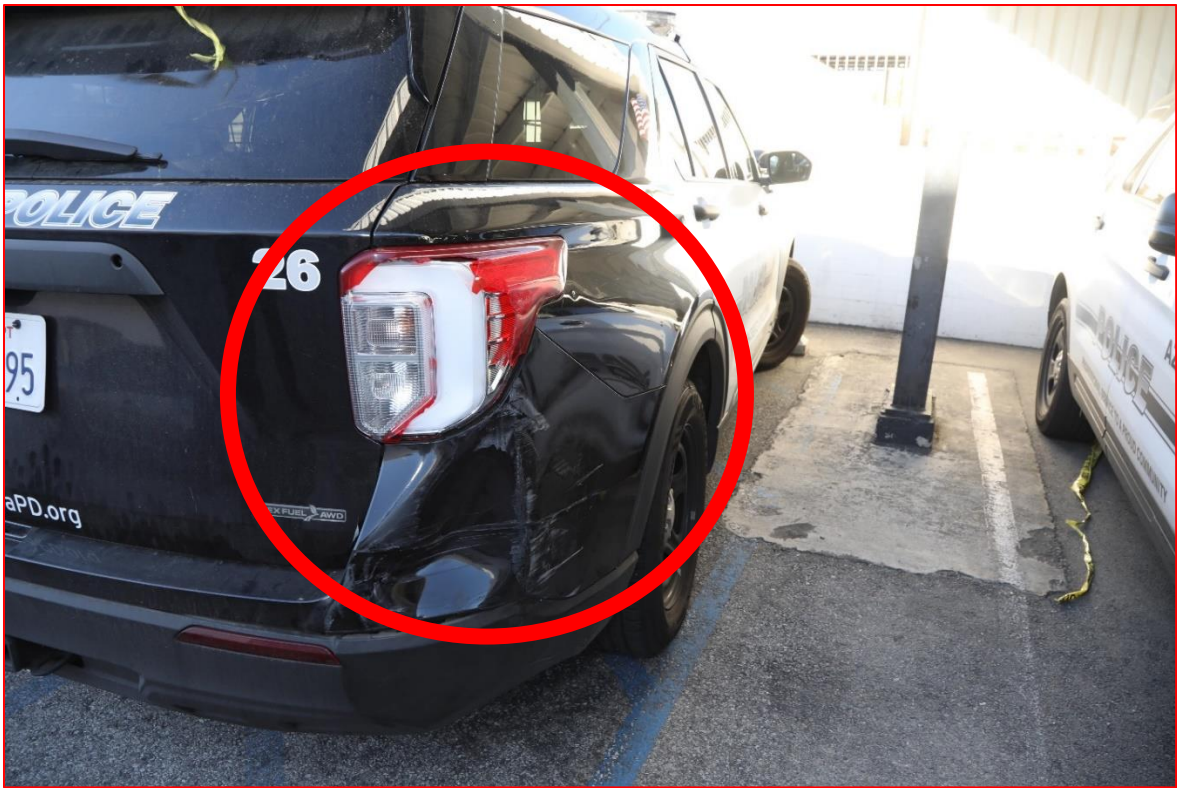
*Figure 10- Photo of Flores' gun.*

### **Damage to the Patrol Cars**

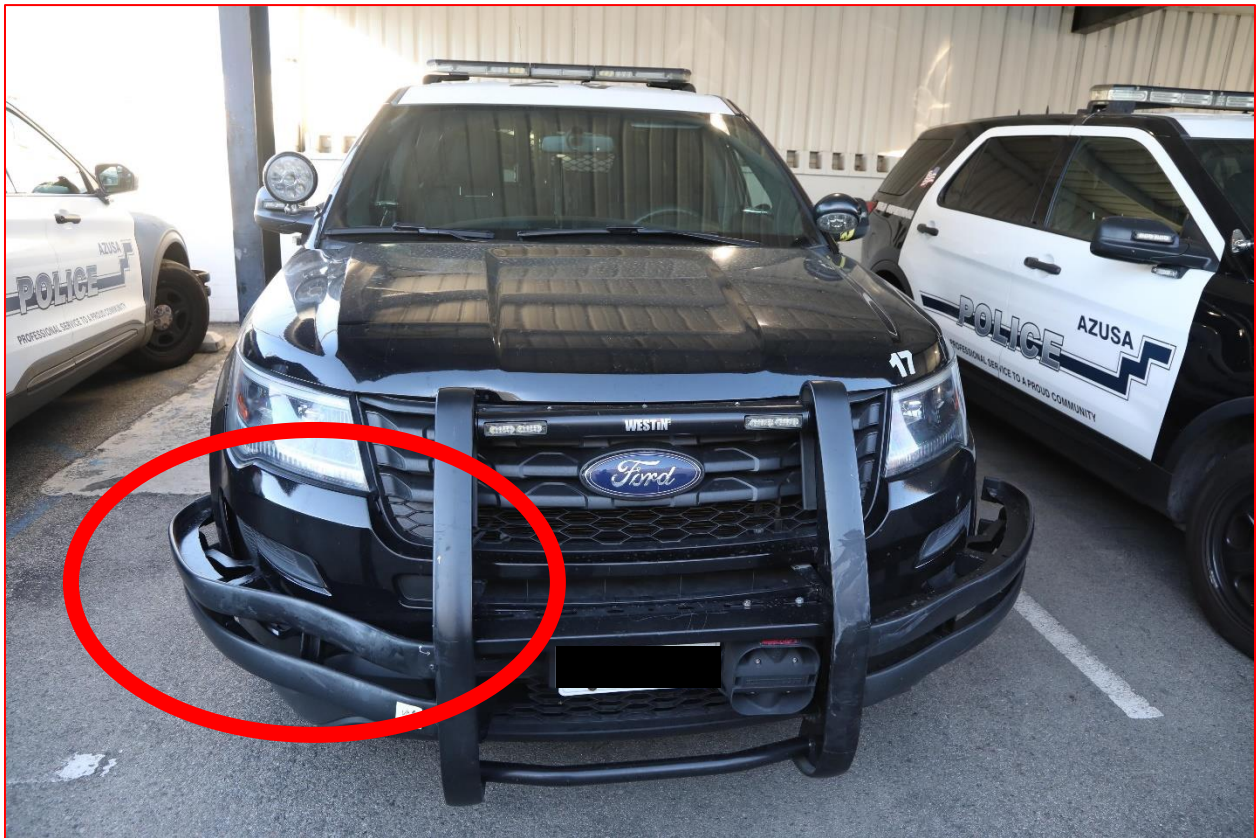


*Figure 11- Photo of front bumper damage to Ferrari's patrol car.*





*Figure 12- Photo of rear bumper damage to Gomez's patrol car.*



*Figure 13- Photo of the front bumper of Stewart's patrol car.*

## **Firearms Evidence**

Four expended cartridge casings were located at the scene.

A round count of the officers' service weapons was conducted after the shooting. That count is consistent with Stewart firing one round and Gomez firing three rounds.

Flores was in possession of a loaded 9mm semiautomatic Glock19, shown in the photo below:

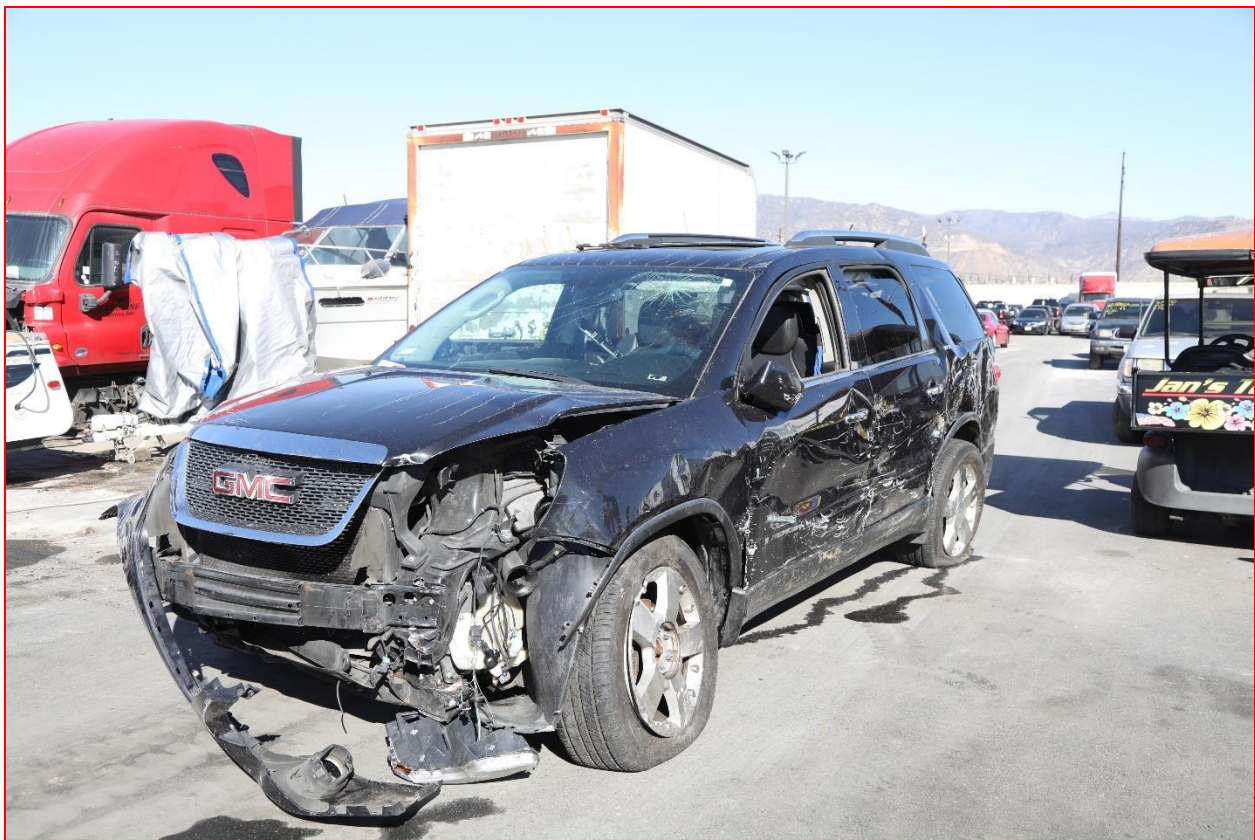


*Figure 14- Photo of Flores' loaded 9mm handgun.*

## **Damage to the GMC**

A bullet impact was located on the right front passenger door and bullet holes were located near the right rear wheel and the right rear taillight. The driver's side window was shattered.





*Figure 15- Photo of the damaged GMC.*

### **Injuries and Autopsy**

Flores was transported to the hospital where he remained until he died from a gunshot wound to the head on November 23, 2021.

Gomez, Ferrari, and Stewart were not injured. Community Service Officer Michelle G. was in Ferrari's patrol car and was treated for minor injuries caused by the collision with the GMC.

On December 2, 2021, Abubakr Marzouk, M.D., performed a postmortem examination of Flores's remains and formed the opinion that Flores died of a gunshot wound of the head. The projectile entered the left parietal scalp and traveled straight front to back with two small fragments of core metal recovered from the left occipital lobe. No toxicology was performed due to the length of the hospitalization.

### **██████████'s Statement**

██████████ was a passenger in Flores' GMC. She stated that she met Flores recently and believed he was "crazy." She stated that Flores informed her that he was a "gunner," a term understood by ██████████ to indicate someone willing to shoot others. ██████████ stated that Flores had been using the GMC for a couple of weeks. Flores picked her up and was driving her home. Flores had the



gun on his lap and was holding it with his right hand while he was trying to escape the police. Flores attempted to use the handgun after noticing the second police officer arrive in front of him. [REDACTED] stated she prevented Flores from using the gun by putting her left hand on top of it. She believes that Flores was driving at the officer standing near the rear of his patrol car (Gomez) and that Flores collided with the car and the officer as well. [REDACTED] stated that the police officers did not start shooting until after that collision. She stated that there was shattered glass in the car after the shots and Flores's head tilted to the right. [REDACTED] did not recall whether Flores said anything after the shots were fired. She recalled that Flores drove over the median, across Azusa Avenue, onto Azusa Lane, and eventually crashed the vehicle in a wash. She was afraid of Flores and was afraid to tell the officers that he had a gun.

#### **[REDACTED]'s Statement**

[REDACTED] was driving his car and his wife, [REDACTED], was in the passenger seat. He noticed a police car stopped on Azusa Avenue in front of a gas station. A second police car arrived and stopped behind the first police car. The police cars were blocking an SUV from exiting the gas station/hotel driveway to Azusa Avenue and two officers were out of their patrol cars. [REDACTED] believed the officers had their guns drawn. The SUV accelerated at a high rate of speed and hit the rear bumper of one of the patrol cars. [REDACTED] believed one of the officers fired a round but was unsure of which officer fired. When the SUV accelerated it was very close to hitting the officers. The SUV drove across Azusa Avenue and over a center median.

#### **[REDACTED]'s Statement**

[REDACTED] was a passenger in her husband's automobile, which was parked in the hotel parking lot adjacent to where the shooting occurred. A police car had its lights activated and a second police car arrived and stopped near the first police car. An SUV attempted to exit the hotel parking lot, near a gas station. One of the police cars blocked the SUV from exiting. Police officers were outside of their patrol cars and with their guns drawn. As the SUV was exiting the parking lot, it collided with one of the patrol cars. The SUV "intentionally" collided with the patrol car in order to "get away." The SUV drove across Azusa Avenue and over a center median. [REDACTED] heard one gunshot and it appeared to her that it was from an officer toward the SUV.

#### **[REDACTED]'s Statement**

[REDACTED] stated he saw the incident from the window of his nearby hotel room. He said he saw the officers attempting to block a car with their cars. An officer was on foot and had his service weapon drawn. The car attempted to run over one of the officers, accelerated over the center median, and continued out of view. [REDACTED] was not sure if an officer fired his service weapon.

#### **[REDACTED]'s Statement**

[REDACTED] said she observed the incident from the window of her nearby hotel room. Three police cars attempted to block a fourth car. The person driving the blocked-in car tried to "run over the cop" and the driver "was trying to hit him." The car reversed, then accelerated forward at the officers

again and struck one of the police cars. [REDACTED] heard two gunshots, but it was difficult for her to hear from her hotel room on the fourth floor. The car drove over a center median and out of view.

### **Community Service Officer [REDACTED]'s Statement**

[REDACTED] was recently hired and was assigned to work with Ferrari. The ALPR alerted on a stolen GMC in the area and that information was broadcast by dispatch. [REDACTED] and Ferrari drove to the area and looked for the stolen vehicle. They saw the GMC backed into a parking stall in a parking lot of a hotel and gas station. The GMC drove forward and attempted to exit to the avenue. Stewart and Gomez had positioned their patrol cars to block the GMC's exit. There was a small gap between those two patrol cars. The GMC attempted to ram Stewart's patrol car. Stewart exited and stood outside of his car. The GMC reversed at a "high rate of speed" and hit Ferrari and [REDACTED]'s patrol car. The GMC attempted to flee and drove between Gomez and Stewart's patrol cars and Gomez and Stewart, who were both outside their patrol cars. Stewart had to "jump" out of the way as the GMC passed between Gomez and Stewart. If Stewart did not move, [REDACTED] believed the officer would have been struck by the GMC. [REDACTED] believed she heard one gunshot. The GMC fled and Ferrari gave chase. [REDACTED] saw the GMC crashed a short distance away. [REDACTED] was treated at the hospital for minor injuries caused by the crash.

### **Officer Lauren Ferrari's Statement**

Ferrari stated that she was on duty when dispatch broadcast a stolen vehicle around the 210 freeway in Azusa. The vehicle was identified as a black GMC. Ferrari responded to the call and searched the area where the vehicle was detected. Ferrari noticed a car matching the description, confirmed the license plate, and radioed her findings. Because she had a Community Service Officer in her vehicle, she decided to wait for Gomez and Stewart. Ferrari knew that the officers were on their way.

While she was waiting, the GMC drove away. Ferrari attempted to block the GMC from leaving, but it maneuvered past her police car.

Gomez and Stewart arrived at that moment and blocked the GMC's path. The GMC drove forward and collided with Stewart's police car head-on.

Ferrari stated the driver, later identified as Jesus Flores, then "intentionally" reversed the GMC into Ferrari's police car.

The GMC then accelerated toward Stewart, who had exited his vehicle and was standing by the front quarter panel on the driver's side of his car.

Ferrari stated that Stewart fired a round from his duty weapon at the GMC.

Flores then crashed the GMC into Gomez's patrol car and forced its way between the two police cars.

Flores drove over the median and down a dead-end street. Ferrari lost sight of the vehicle while attempting to maneuver between Gomez's and Stewart's cars.

Ferrari located the GMC moments later crashed and laying on its side in a wash. Flores was partially ejected from the GMC and was unresponsive and visibly bleeding. A passenger, later identified as [REDACTED], had exited the vehicle and was cooperating with her. [REDACTED] stated spontaneously that she was afraid of Flores and said he was armed with a gun.

### **Officer Alejandro Gomez's Statement**

Gomez provided a voluntary statement.

Gomez stated that he was on patrol when dispatched to a possible stolen vehicle call near Azusa Avenue and the 210 freeway. Gomez and Stewart responded to the call. Gomez stated that while driving towards the location, Ferrari radioed that she had located the vehicle. Prior to approaching the parking lot, Ferrari broadcast that the suspect vehicle was moving.

When Gomez arrived, he parked in front of the suspect vehicle and blocked its exit. Ferrari's car was directly behind the suspect vehicle. Stewart was parked on his right side.

Gomez stated that the suspect vehicle then drove forward and collided head-on with Stewart's police car. Gomez exited his vehicle and was standing next to the rear back panel on the passenger's side. Stewart was standing to his right, next to the front quarter panel on the driver's side of his police car. After positioning himself, Gomez used verbal commands to the suspect and demanded to "see his hands." The driver ignored Gomez's commands and reversed the vehicle into Ferrari's car.

In Gomez's recorded statement, he described the shooting, verbatim, as follows:

Stewart is still to my right. I then hear the engine rev really, really high. It was the highest rev that I heard between these two encounters. At which point I see the vehicle coming towards me, in which a sense I froze. While I was standing there, what I thought about was my son and my daughter, my pregnant wife. I said to myself, "This is it, I'm not gonna make it home." While I was standing there, the vehicle's coming straight towards me. A small voice in my head just says, "Move." I then spin around towards the backside of my vehicle and when I turn back around, the vehicle had just, the rear, the rear bumper had just passed me. I look to see where Stewart's at and I don't see Stewart, so I think he's being dragged under the car, he's getting killed. At which, I control my breathing, I line up my sights, I look in my backdrop and I count "one" in my head. When I say "one" I hear a pop. However, it's very faint. And then I fire twice towards the driver's side of the suspect vehicle to stop the threat. To stop my partner being killed and to also stop the threat from doing any further damage to the public.

Gomez stated that after forcing its way through the two police cars, the suspect vehicle drove over the median and went onto a side street. Gomez gave chase and located the vehicle a short distance away crashed into a wash. The vehicle was laying on its driver's side and the driver was trapped.

### **Officer Jonathan Stewart's Statement**



Stewart provided a voluntary statement.

Stewart stated that he was finishing another call with Gomez when he heard *via* a radio dispatch that a stolen vehicle was detected near Azusa Avenue and the I-210 freeway. Stewart and Gomez responded to the call.

While enroute, Stewart heard Ferrari broadcast that the vehicle was moving.

Stewart said that the vehicle was attempting to flee from Ferrari and Gomez, who had their red lights on, and based on the danger the vehicle posed to the public, he rammed his police vehicle into the suspect vehicle to curtail a possible pursuit.

Stewart then exited the vehicle and gave verbal commands to the driver to stop. The driver did not comply and reversed into Ferrari's car "as quickly as the car could possibly go" and "violently" rammed Ferrari's patrol car.

Stewart said he heard the engine of the GMC roar as if the driver floored the gas pedal, and the car then came directly at him as fast as it could go. At the last second, he was able to sidestep out of the way and fire a round at the driver, through the driver's side window, to defend himself, Gomez, and the public.

Stewart stated if he had not moved, he would have been killed. The GMC was aimed "strictly to come directly toward me."

After colliding with the police cars, Stewart said the vehicle continued to accelerate away toward a side street. Stewart gave chase and discovered the crashed vehicle in a wash. The driver was trapped under the vehicle and unresponsive. He kept going in and out of consciousness and constantly attempted to pull something out of the vehicle with his left hand.

## **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.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 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 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).

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. "What constitutes 'reasonable' action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure." *Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th at 342 (quoting *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347).

### **Analysis**

The evidence presented in this case shows that Flores, who had absconded from parole one month prior to the incident and had a no bail warrant for his arrest, was armed with a gun and driving a stolen car. While the officers were not aware of these facts, Flores reversed his car at high speed and struck Ferrari's patrol car, injuring the passenger. Flores then accelerated at high speed directly toward Gomez and Stewart, both of whom stated they believed they would have been struck and killed if they were unable to get out of the way. Based on the totality of the circumstances, Flores' actions would be reasonably interpreted by any reasonable officer or trier of fact as presenting a deadly threat.

Stewart's conduct and voluntary statement indicate that he believed Flores was trying to run him over and kill him, and he believed it was necessary to jump out of the way and fire a round at Flores to protect himself.

Gomez stated he believed that Flores was trying to run him over and kill him. He also stated he believed that because Stewart disappeared from his view that Flores had run him over and was dragging him to his death. Gomez stated he fired three rounds at Flores to save Stewart from being killed and to protect the public from "further damage." Under the circumstances, knowing that Flores had just assaulted three police officers with his vehicle, had crashed into three patrol cars, Stewart was possibly being dragged to his death, and Flores was driving at high speed

toward a median and cross traffic and members of the public, it was reasonable for Gomez to believe that Flores would cause death or serious bodily injury to another, Stewart and/or the public. The “imminence” of Flores’ deadly threat provided Gomez with two reasonable, independent grounds to use deadly force. First, to defend Stewart. Gomez stated he believed that Stewart was being dragged to his death. Second, to defend the public, who were in Flores’ path. Both beliefs were reasonable under the circumstances.

The evidence presented supports the officers’ conclusion that deadly force was reasonable and necessary in self-defense and defense of another.

## **CONCLUSION**

We find that Officers Stewart and Gomez acted lawfully in self-defense and in defense of others when they used deadly force against Jesus Flores.