

**Officer Involved Shooting of Jose Cueva
Los Angeles County Sheriff's Department**

**Deputy Rizaldy Reantaso, #471277
Security Officer Gerardo Fabian, #619404**

J.S.I.D. File #16-0564



JACKIE LACEY

District Attorney

Justice System Integrity Division

June 29, 2018

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
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Monterey Park, California 91755

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

SUBJECT: Officer Involved Shooting of Jose Cueva
J.S.I.D. File #16-0564
L.A.S.D. File #016-00562-4468-013

DATE: June 29, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 31, 2016, fatal shooting of Jose Cueva by Los Angeles County Sheriff's Department (LASD) Deputy Rizaldy Reantaso and Los Angeles County Security Officer Gerardo Fabian. It is our conclusion that Deputy Reantaso and Security Officer Fabian acted reasonably and lawfully in defense of others when they used deadly force against Jose Cueva.

The District Attorney's Command Center was notified of this shooting on October 31, 2016, at approximately 1:37 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LASD Lieutenant Michael Rosson.

The following analysis is based on investigative reports, audio recorded interviews of witnesses, security video footage, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On October 31, 2016, at approximately 12:05 p.m., Yeni Cueva (Yeni) and her husband Jose Cueva (Cueva) met at the Chatsworth Courthouse, ostensibly for the purpose of discussing the details of their separation and custody of their two youngest children. Instead, Cueva pulled out a knife and attempted to cut Yeni's throat; he also stabbed Yeni in the side and the chest, saying "I am going to get my revenge!" Bleeding profusely, and in fear for her life, Yeni began running towards the entrance to the courthouse. Cueva chased after her, while brandishing the knife.

Security Officer Fabian and LASD Deputy Reantaso ran to help Yeni, and ordered Cueva to "Drop the knife!" Cueva ignored their orders, caught up to Yeni and attempted to stab her again. Reantaso and Fabian then fatally shot Cueva, saving Yeni's life.

Yeni was transported to the Northridge Hospital Medical Center emergency room where she was treated for her injuries, including lacerations and puncture wounds to both her hands, her right flank, her center sternum, and her neck.

Cueva was also transported to the Northridge Hospital Medical Center where he was pronounced dead at 12:41 p.m.

Statement of Deputy Reantaso

Reantaso, who was on duty and in uniform, was about to take lunch in his office when he heard a radio call of a disturbance in front of the courthouse. Reantaso exited his office, went outside the courthouse and observed a vehicle stopped at the parking booth with the driver's side door open and a woman, Yeni, laying halfway inside the vehicle. Yeni exited the vehicle and started running towards the front of the courthouse, with Cueva chasing after her. Reantaso observed blood on Yeni's blouse and saw that Cueva had a knife in his hand.

Cueva was gaining on Yeni, closing the distance between them, and Reantaso began yelling out commands to Cueva to "Drop the knife!" Yeni made it to the top of the courthouse stairs, at which time Cueva was able to grab Yeni with one hand while brandishing the knife in his other hand. Yeni had blood on her upper torso and Reantaso believed that Cueva had already stabbed Yeni at least once. Yeni was screaming and yelling for her life, and Cueva was refusing to obey Reantaso's orders. Believing that Cueva was going to stab Yeni again, Reantaso shot Cueva, possibly in the head area, but Cueva did not stop.

Yeni made another attempt to escape from Cueva and ran towards the front doors of the courthouse, passing Reantaso. Cueva chased after Yeni with the knife in his hand, making stabbing motions towards Yeni. It appeared that Cueva was going to kill Yeni, so Reantaso fired two more shots at Cueva. Cueva fell to the ground and dropped the knife. Reantaso kicked the knife away from Cueva and held him at gunpoint.

Statement of Security Officer Fabian

Fabian was on-duty, in uniform, and had just returned from his lunch break, when several people began running towards him, telling him that someone in the parking lot needed help. Fabian saw Reantaso respond from his office and followed him outside as backup.

Once outside, Fabian saw a woman, Yeni, running towards the entrance to the courthouse with Cueva chasing her. Once Yeni and Cueva reached the steps of the courthouse, Fabian could see that Cueva was holding a knife in his right hand. Fabian and Reantaso ordered Cueva to "Drop the knife!" Cueva ignored their orders and grabbed Yeni, but she was able to get away from him and continued to run towards them, with Cueva chasing after her. Fabian once again ordered Cueva to "Drop the knife!" and again Cueva ignored the order. Yeni was screaming and had blood on her clothing. At this time, Reantaso shot Cueva approximately two times. Cueva did not appear to be phased after being shot, and grabbed Yeni again and attempted to stab her. Believing Cueva was trying to kill Yeni, Fabian shot Cueva one time. Fabian believes that had he not taken action, Cueva would have killed Yeni.

Statement of Yeni Cueva

Yeni and Cueva were married for approximately 23 years and have four children together. During their 23 years of marriage, Cueva had verbally and physically abused her; however, she never reported the incidents. Several times in the past she made attempts to leave Cueva, but he would grab her by the throat, threaten her and tell her she was his “property.”

Approximately three weeks prior to the incident, she moved out of her house and began staying with different girlfriends. She moved around often because she did not want her husband to know her whereabouts. However, he eventually found out where she was staying and waited for her outside the location. When she left the location, he followed her in his vehicle. She called him on his phone and told him to stop. He told her they needed to talk and demanded that she return home. Yeni told him that she was done with him and was not coming home.

On October 30, 2016, Cueva called and asked to meet her at a local park to discuss the details of their separation and custody of their two youngest children. Yeni instead told Cueva she would meet him at the Chatsworth Courthouse the following day. Yeni felt that the courthouse was a safer place, with lots of people around, including law enforcement personnel.

On October 31, 2016, Yeni drove to the courthouse and observed Cueva parking his car on the street. She pulled up, and Cueva asked her to get in his car so they could go to the park to talk. Yeni declined and told Cueva that he could get in her car and they could go talk in the parking lot of the courthouse. Cueva got in and sat in the passenger seat.

Yeni drove towards the parking area of the courthouse, but Cueva grabbed the steering wheel and pulled it to the left, as if to make a U-turn, and said, “Let’s go.” Yeni was able to regain control of the car and pulled up to the parking attendant’s booth. Cueva then pulled out a knife, wrapped partially in a cloth, from his right side. Yeni became terrified and began crying.

When the parking attendant approached her vehicle, Cueva hid the knife. The attendant observed that she was crying and asked her what was wrong. Yeni asked him to help her, telling him that Cueva had a knife and was going to kill her. Cueva put the knife to her throat, and the parking attendant began yelling loudly for help. Yeni grabbed the knife with both hands to prevent Cueva from slitting her throat. As Cueva was struggling to cut her with the knife, he told her “This is what has to happen!” and “I am going to get my revenge!”

As she was pulling the knife away from her neck, she lost her grip on the knife blade and Cueva stabbed her in her right side and tried to stab her in the throat. Cueva also stabbed her once in the chest. Somehow the driver’s side door opened and she was able to release her seat belt.

Yeni was bleeding profusely and believed Cueva was going to kill her. In fear for her life, she started running as fast as she could towards the entrance to the courthouse, while Cueva chased her with the knife in his hand. When she got to the steps of the courthouse, Yeni heard a deputy, Reantaso, order Cueva to “Drop the knife!” When the deputy fired his weapon, Cueva finally dropped the knife. Yeni was having trouble breathing and felt weak from the stab wounds. She leaned up against the glass window of the court building and fell to the ground.

Yeni is convinced that Cueva was going to kill her and would have succeeded had it not been for the help of the parking attendant and the actions of law enforcement.



Vehicle stopped at parking booth with entrance to the courthouse visible in the background.

Statement of Jose P.

Jose P. was working the parking booth at the courthouse when a black Audi pulled up to the kiosk. He approached the driver's side and noticed the driver, Yeni, was trembling and crying and appeared to be scared. Yeni told him that she needed help and the man next to her, Cueva, had a knife and was going to harm her. Jose P. asked Cueva if it was true, but Cueva only looked at him and did not answer. Yeni then asked Jose P. to call the police. At that point, Cueva grabbed Yeni by the hair with his left hand and ordered her to drive. Jose P. used his phone to call the Sheriff's office inside the courthouse for assistance, but there was no answer.

When he again looked inside the car, he saw Cueva holding a large knife with a 10" blade to Yeni's throat and appeared to be trying to stab her in the neck or throat. Yeni was trying to ward off the attack by pushing the knife away with both of her hands. He started yelling at Cueva to stop, but Cueva continued his attack. Jose P. began yelling at the top of his lungs towards the courthouse entrance asking for help.

Jose P. opened the driver's door in an attempt to aid Yeni in escaping from the car. He reached inside the car and grabbed Yeni in an effort to pull her out, but her seat belt was engaged. He continued struggling to pull Yeni out of the car, and while this was happening, he saw Cueva cut Yeni twice around her throat area.

When Cueva realized he was being unsuccessful in cutting or stabbing Yeni's throat, he pulled the knife away and then stabbed her twice in her right side. During the attack, neither Yeni nor Cueva said anything to each other. It was a very violent, physical struggle, and Jose P. had no doubt that Cueva's intention was to kill Yeni.

Because he did not see any help coming, Jose P. ran to the front of his parking kiosk, where he continued to yell for help. He then ran back to the car and again tried to release Yeni's seatbelt; however, Cueva raised the knife over his head as if he was going to stab Jose P. and Jose P. had to retreat. Jose P. was certain that Cueva would stab or kill him, if he entered the vehicle to assist Yeni.

Jose P. ran back to the front of the kiosk and again called for help. Yeni exited the car and began running towards the entrance to the courthouse. Cueva began chasing her, holding the knife over his head as if getting ready to stab her. Cueva caught up to Yeni at the courthouse entrance. A security officer, Fabian, pointed his gun at Cueva and ordered him to "Stop!" and "Drop the knife." Cueva ignored the commands. Two deputies came out of the courthouse and ordered Cueva at gunpoint to "Drop the knife!" but he continued to ignore the commands. Cueva then grabbed Yeni from behind, around her neck with his left arm, while holding the knife in his right hand and attempting to stab her in the stomach. She managed to push him away slightly, giving the deputies an opportunity to shoot. The deputies again ordered him to "Drop the knife!" but he refused and they shot him. Jose P. believed the deputies fired two shots in total and Fabian did not fire his weapon. Cueva fell to the ground and dropped the knife a few feet away from him, but attempted to get up. One of the deputies, Reantaso, then kicked the knife away from Cueva.

Jose P. is certain Cueva intended to kill Yeni, and commended Yeni for fighting back so bravely. He also believed the deputies had no choice but to shoot Cueva, otherwise he would have killed Yeni. They warned him to drop the knife, but he refused to comply.

Statement of Mariana B.

Mariana B. heard a woman screaming very loudly from inside a black Audi stopped next to the courthouse parking attendant's kiosk, with its driver's door open. Mariana B. saw the parking lot attendant, with the upper half of his body inside the vehicle. He appeared to be tugging back and forth with someone inside the vehicle, as if he was trying to pull something or someone out of the vehicle. She then heard a man screaming even louder than the woman was screaming, and realized that there was another man inside the vehicle, besides the parking attendant.

Mariana B. ran to see if she could help, and observed Yeni screaming hysterically and running at full speed toward the entrance to the courthouse, with Cueva running about ten feet behind her. Cueva was also running at full speed and was yelling, while holding a large knife above his head, as if he was "ready to strike." When they made it to the front of the courthouse, Mariana B. heard someone yell, "Drop it! Drop it!" followed by two gunshots in rapid succession.

Statement of Victor Q.

Victor Q. observed the courthouse parking attendant standing near his kiosk screaming at the top of his lungs, "Help! Help! Sheriff! Sheriff! Call the Sheriff! Call the Sheriff!" Victor Q. ran toward the parking attendant to help and saw Cueva physically fighting with Yeni inside a car stopped next to the parking kiosk. Cueva was holding a large knife with a 10" blade, trying to stab Yeni. Victor Q. started yelling for help along with the parking attendant.

Yeni began running at full speed toward the entrance to the courthouse. She had blood on the right side of her face, on her neck and on her blouse. Cueva chased after Yeni, holding the knife

over his head, as if ready to stab her. Cueva's expression was full of hatred and fury. Victor Q. had no doubt that Cueva intended to kill Yeni.

Cueva caught Yeni at the entrance to the courthouse. He grabbed her from behind, knocked her backwards to the ground and began stabbing her. He stabbed her two or three times. Two deputies and a security officer ordered Cueva to "Let her go!" and "Drop the knife!" Cueva refused to comply and was still holding the knife when one of the deputies, Reantaso, shot him twice. Cueva fell to the ground and dropped the knife. Victor Q. believes that if Reantaso had not shot Cueva, Cueva would have undoubtedly killed Yeni.

Statement of Rahim L.

Rahim L. observed Cueva holding a large kitchen knife, approximately 10 inches long, chasing after Yeni. As he was chasing her, Cueva was swinging the knife and attempting to stab Yeni. When they reached the front of the courthouse, Cueva appeared to attempt to grab Yeni, either by her clothing or her neck. Rahim L. then heard two to three gunshots and observed a deputy, Reantaso, standing with his gun out, and a security officer with a white shirt, Fabian, who also might have had his gun out, standing near the deputy. Both Cueva and Yeni fell to the ground. When Yeni stood up, he observed a dark spot on the side of her blouse, which might have been blood. Rahim L. believes that had Reantaso not taken action, Yeni would have died.

Statement of Andrew W.

Andrew W. heard screaming and observed the parking lot attendant yelling very loudly for help and pointing to a black car, which was stopped next to the parking kiosk. The parking attendant was running back and forth from the car, while yelling and trying to summon help. The vehicle's driver's door opened, and Yeni "rolled" out of the car and began to run at full speed toward the entrance to the courthouse. Cueva began running after her, holding what appeared to be a large kitchen carving knife with a long silver blade in his hand. Based on Cuevas' actions, demeanor and facial expression, it was clear to Andrew W. that Cueva intended to stab Yeni once he caught her. A deputy, Reantaso, appeared out of nowhere with his gun drawn, and someone yelled out, "Drop the knife!" A security officer, Fabian, also drew his weapon.

Cueva appeared to be intent on catching Yeni, and did not appear to be at all concerned by Reantaso and Fabian pointing their guns at him and ordering him to stop. Cueva was only about three feet behind Yeni and was in the process of grabbing her from behind with his left hand, while holding the knife in his right hand, when Yeni moved to her left out of the way, giving Reantaso a clear shot, which he took.

It was clear to Andrew W. that Reantaso saved Yeni's life. Had Reantaso not shot Cueva, Yeni would have been stabbed to death in front of the courthouse. Andrew W. complimented Reantaso's actions, saying Reantaso reacted quickly, decisively and seemed to be very knowledgeable in his tactics. Reantaso had only a brief window of opportunity to take his shots; he knew what to do, and did it.

Statement of Thomas F.

Thomas F. heard the parking lot attendant yell, “He’s got a knife! He’s going to kill her!” and observed Cueva chasing Yeni. Yeni looked like she was running for her life and was very scared. Cueva had a 12” knife in his hand, raised above his head. Cueva appeared to be almost like a “rabid dog,” intent on killing her. At least one deputy, Reantaso, and one security officer, Fabian, were at the front of the courthouse with their guns drawn, demanding Cueva drop his weapon. Cueva ignored their orders, and as he was about to grab Yeni with the knife still raised above his head, he was shot and fell to the ground.

Statement of Suzanne A.

Suzanne A. heard very loud yelling and screaming, and saw Yeni running at full speed from the courthouse parking kiosk area. Cueva was chasing her and they were running toward the courthouse entrance. Cueva eventually caught up to Yeni and wrapped his right arm around Yeni’s neck, while grabbing her shoulder with his hand and “tussling with her” as if he wanted to knock her down. A security officer, Fabian, pointed his gun at Cueva, but did not shoot. Fabian was swaying from side to side, as if trying to get an angle from which to shoot. A deputy, Reantaso, drew his gun, and a few seconds later shot Cueva twice.

Statement of Patricia A.

Patricia A. observed Cueva chasing Yeni toward the front door of the courthouse. Both were running at full speed and Cueva was about five steps behind Yeni. Cueva caught up to Yeni at the courthouse steps. A deputy, Reantaso, was yelling and pointing his weapon at Cueva, but Patricia A. does not know what he was yelling. As Cueva caught up to Yeni, he put his right arm around Yeni’s neck, and Patricia A. thought this was possibly going to turn into a hostage situation. Yeni appeared to be afraid, and Patricia A. heard yelling, followed by one gunshot, a pause and then more gunshots.

Physical Evidence

A video surveillance camera captured a portion of the shooting. The surveillance footage confirms that Cueva relentlessly pursued Yeni, despite the presence of armed law enforcement officers with their guns drawn and pointed at him. Cueva caught up to Yeni, and grabbed her at the entrance to the courthouse. Cueva was then fatally shot as he took Yeni to the ground. Still photos, captured from the video, are included below.

Video Surveillance



Cueva chasing Yeni, who is off-camera to the left, with Fabian pointing his service weapon at him.



Cueva grabbing Yeni from behind.



Cueva holding Yeni, and Fabian and Reantaso pointing their service weapons at him.



Cueva taking Yeni to the ground.



Cueva on the ground with Yeni.

LASD forensic crime scene analysts examined the scene and noted a trail of possible blood leading from the driver's side door of the vehicle to the front doors of the courthouse.

A large stainless steel butcher knife, with an 8" blade covered in blood, was recovered at the scene.¹



Cueva's knife recovered in front of the courthouse.

¹ Cueva's vehicle was searched and an additional knife, with a 9 ½ inch blade, was found in the glove compartment.

Reantaso was armed with his Smith and Wesson, M&P9, 9mm semiautomatic pistol, which he keeps loaded with 17 rounds in the magazine and one in the chamber. After the shooting, the weapon was loaded with 15 rounds, consistent with Reantaso firing three rounds.

Fabian was armed with his Smith and Wesson, M&P9, 9mm semiautomatic pistol, which he keeps loaded with 17 rounds in the magazine and one in the chamber. After the shooting, Fabian's weapon was loaded with 16 rounds in the magazine and one in the chamber, which is consistent with Fabian firing one round.

Four "9mm Win Luger" expended cartridge casings were recovered at the scene.

On November 6, 2016, Deputy Medical Examiner Paul Gliniecki, M.D. performed an autopsy on Jose Cueva's remains. Doctor Gliniecki ascribed the cause of death to "multiple gunshot wounds." Three gunshot wounds were noted: a gunshot wound to the "left lateral neck, under the angle of the jaw;" traveling left to right, downwards, and front to back, not considered rapidly fatal; a gunshot wound to the "mid right upper chest," passing left to right, downwards and front to back, considered rapidly fatal; and, a gunshot wound to the "right lateral abdominal/hypochondriac region," right to left and upward, not considered rapidly fatal.

LEGAL ANALYSIS

According to the law in California, 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; (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and (3) he used no more force than was reasonably necessary to defend against that danger. CALCRIM No. 505.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than 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.

CONCLUSION

The evidence examined in this investigation shows that Jose Cueva decided that he was "going to get [his] revenge" and kill his wife. To that end, Cueva concealed a large butcher knife in his waistband and went to meet his wife at the Chatsworth Courthouse. When he got in her car, he attempted to force her to drive away from the courthouse. When she refused and tried to summon help, he attacked her with a knife, stabbing her multiple times.

In fear for her life, Yeni ran to the front of the courthouse. Deputy Reantaso and Security Officer Fabian both drew their weapons and ordered Cueva repeatedly, at gunpoint, to "Drop the knife!" Cueva ignored their orders and continued his attack on Yeni in front of them and numerous other witnesses.

When Cueva stabbed Yeni multiple times, chased her with the knife held above his head “as if to strike,” caught her and attempted to stab her again, he presented an immediate deadly threat, and he left Deputy Reantaso and Security Officer Fabian with no choice, but to use deadly force in her defense. Therefore, Deputy Reantaso and Security Officer Fabian were lawfully allowed to use deadly force in defense of Yeni Cueva’s life.

Accordingly, we conclude that Deputy Rizaldy Reantaso and Security Officer Gerardo Fabian used reasonable deadly force when they shot Jose Cueva as he attempted to stab Yeni Cueva. We are closing our file and will take no further action in this matter.