

**Officer Involved Shooting of Aaron Valdez**

**South Gate Police Department**

**Officer Isidro Munoz, #10084**

**Officer Edgar Gomez, #10166**

**Officer Eder Vergara, #10182**

**J.S.I.D. File #15-0126**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**June 13, 2016**

**MEMORANDUM**

**TO:** CHIEF RANDY DAVIS  
South Gate Police Department  
8620 California Avenue  
South Gate, California 90280

CAPTAIN STEVEN KATZ  
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:** Officer Involved Shooting of Aaron Valdez  
J.S.I.D. File #15-0126  
S.G.P.D. File #15-02456  
L.A.S.D. File #015-00014-3199-013

**DATE:** June 13, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 11, 2015, fatal shooting of Aaron Valdez by South Gate Police Department (SGPD) Officers Isidro Munoz, Edgar Gomez, and Eder Vergara. It is our conclusion that there is insufficient evidence to prove beyond a reasonable doubt that Officers Munoz, Gomez, and Vergara did not act in lawful self-defense and defense of others at the time each fired his weapon.

The District Attorney's Command Center was notified of this shooting on March 11, 2015, at approximately 11:00 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant John Corina.

The following analysis is based on reports, recorded interviews, and photographs submitted to this office by the LASD – Homicide Bureau. No compelled statements were considered in this analysis.

**FACTUAL ANALYSIS**

On March 11, 2015, at approximately 9:00 p.m., SGPD Officers Gomez and Vergara were working routine patrol, dressed in police uniform, and each driving a black and white patrol vehicle. Officer Munoz was working a single man unit as a Crime Impact Team officer. Munoz

was driving an unmarked patrol vehicle and dressed in a black vest with the word “Police” written on the front and back of the vest. All officers heard a radio call of a possible automobile burglary of a champagne colored four door Nissan parked on Pescadero Avenue between Sequoia Drive and Seminole Avenue.

The radio call identified two male suspects as being involved in the burglary. One of the suspects was described as wearing a black baseball cap, black shirt and black pants and the other was described as wearing a white baseball cap, white shirt, and black pants. Further updates to the call indicated that the owner of the car confronted the suspects, who ultimately walked away in opposite directions.<sup>1</sup> The suspect in the black shirt traveled northbound and the suspect in the white shirt proceeded southbound.

Munoz responded to the call, drove towards the location, and saw an individual, later identified as Eric Calderon, dressed in a white shirt walking eastbound on the north sidewalk of Seminole Avenue. Believing that Calderon matched the description of one of the suspects and noticing no other individuals in the area, Munoz contacted Calderon as he walked across the street to the south sidewalk. As Munoz contacted Calderon, Gomez arrived at the location and exited his vehicle to assist Munoz.

Vergara also responded to the call of the auto burglary. As Vergara drove southbound on Pescadero Avenue, he saw a tan colored 1990 Toyota Camry facing north on the east curb of Pescadero Avenue.<sup>2</sup> The Camry quickly made a U-turn and proceeded south at a high rate of speed. Vergara increased his speed to catch up with the car. The Camry made a left turn onto Sequoia Drive and then turned right, heading south on Capistrano Avenue. As Vergara pursued the Camry, he heard a broadcast that a suspect was being detained at Seminole Avenue and Capistrano Avenue.<sup>3</sup>

Vergara activated his overhead lights and followed the Camry as it turned left abruptly onto Seminole Avenue. The Camry came to a quick stop on the south curb facing eastbound in front of a residence located at [REDACTED] Seminole Avenue, just behind a parked Cadillac.<sup>4</sup> Vergara stopped his patrol vehicle offset just northwest of the Camry and saw Munoz and Gomez on Seminole Avenue, east of his location.<sup>5</sup> Vergara exited his vehicle, drew his duty weapon, and ordered Valdez to “Stop!” and to put his hands up several times. Gomez began to walk westbound towards their location while Munoz stayed east of Vergara’s location. At this time, the driver and sole occupant of the Camry, later identified as Aaron Valdez, looked at Vergara

---

<sup>1</sup> The car was actually a 1991 Toyota Camry. The owner was later identified as Guillermo Rodriguez, who indicated that he was outside his residence when he heard his car alarm activate. Rodriguez looked toward his car and saw someone inside the vehicle. Rodriguez approached the person inside the car, who said, “I didn’t take anything” and walked northbound away from the location.

<sup>2</sup> The Camry was later identified as an unreported stolen vehicle belonging to Pedro Santos.

<sup>3</sup> Similarly, Munoz and Gomez heard Vergara radio that he was following a vehicle and headed towards their location.

<sup>4</sup> [REDACTED] Seminole Avenue is located on the southwest corner of Seminole Avenue and Capistrano Avenue.

<sup>5</sup> Vergara estimated that his car was one-half to one car length behind Valdez’ car. Vergara believed that there was not enough space between his car and the curb for Valdez’ to proceed past Vergara’s car while traveling in reverse.

and reached his right hand toward the floorboard area.<sup>6</sup> Vergara believed that Valdez was retrieving a weapon and began to back up on foot, increasing the distance between them.

Simultaneously, Valdez placed the vehicle into reverse and rapidly accelerated backwards, causing the tires to screech. Valdez proceeded quickly past the passenger's side of Vergara's patrol vehicle. Vergara, afraid that Valdez was going to ram his vehicle and hurt him, continued to retreat along the driver's side of his patrol car to avoid being struck by Valdez' vehicle.

Munoz and Gomez saw the Camry turn rapidly on Seminole Avenue and come to a stop with Vergara positioning his patrol vehicle behind and offset from the Camry. They heard Vergara order Valdez to "Stop!" and heard Valdez' tires screeching. As Valdez accelerated backwards, Gomez also ordered Valdez to "Stop!" several times. Gomez believed that Valdez was trying to escape, was not paying attention to the officers, and decided to just "go for it." Gomez was 20-25 feet from Valdez' vehicle and did not believe that Valdez had much room to maneuver.

Gomez saw Vergara retreat along his vehicle. This behavior communicated to Gomez that Vergara felt threatened by Valdez' actions. Gomez' attention was divided between Calderon, who was with Munoz, and Valdez. Although Vergara was standing along the driver's side of his patrol vehicle and Valdez accelerated backwards along the passenger's side of Vergara's vehicle, Gomez believed that Valdez was going to run Vergara over with his car.<sup>7</sup> Consequently, Gomez fired his duty weapon as the car accelerated backwards. Gomez believed that Valdez' car was on the sidewalk as he fired his weapon. Valdez sharply turned the car to face northwest and, still driving in reverse, drove onto the front lawn of ██████ Seminole Avenue, running over a wrought iron fence that enclosed the property. Valdez' car came to a stop on the lawn, but the tires continued to spin rapidly. Gomez believed that he fired his weapon until the car came to a stop on the front lawn.<sup>8</sup>

When Munoz heard the Camry screech backwards, he ran westbound in the street towards the Camry. As Munoz ran, he heard gunshots but did not have a clear view of what was occurring because his view was partially obstructed by the Cadillac. Munoz saw the Camry on the lawn of the corner residence, saw a lot of smoke coming from the area, and heard someone yell "Get cover!"<sup>9</sup> Munoz mistakenly believed that Gomez' gunfire was actually Valdez shooting at the officers. Consequently, Munoz fired his duty weapon in the direction of Valdez' car, holding his firearm in one hand and keying his radio with the other. At the time he fired his weapon, Munoz believed that he was in the middle of the street, near the front fender of the parked Cadillac. In order to see clearly, Munoz activated his firearm's light and saw that Valdez was looking directly

---

<sup>6</sup> Gomez also saw Valdez bend down and return to an upright position, and turn his torso to the right and left, looking over each shoulder. Gomez also believed that Valdez moved his car forward and back "a little bit" prior to accelerating rapidly in reverse. The area was generally dark, but was illuminated by light standards located on the northwest and southeast corners of Capistrano Avenue and Seminole Avenue, as well as mid-block on Seminole Avenue.

<sup>7</sup> Gomez told investigators that he believed that if Valdez proceeded straight back, he would have hit Vergara, who moved his position during this time period. Gomez did not expand on this statement. It is clear that at some point while proceeding in reverse, Valdez turned the car sharply so that the rear of the car was to the south and the front of the car faced north. The width of Seminole Avenue is 29 feet 10 inches, the width of a 1990 Toyota Camry is 5 feet 7.4 inches, and the distance from the passenger's side of Vergara's car to the curb was 9 feet 4 inches.

<sup>8</sup> Investigators determined that Gomez fired his duty weapon 15 times.

<sup>9</sup> Munoz believed that Gomez was the person who yelled, "Get cover!"

at him through the passenger's side window. Munoz made eye contact with Valdez and fired directly at him, believing that Valdez was responsible for the continuing gunfire.<sup>10</sup>

Vergara indicated that Valdez looked and made eye contact with him as he screeched his car backwards and again reached down to the floorboard area of the car. As Vergara walked back towards the rear of his vehicle, Vergara heard gunshots and also mistakenly believed that Valdez was firing a weapon at him based upon Valdez' actions, including reaching toward the floorboard area of his car and aggressively driving in reverse. As the car turned to face north, Vergara was able to see Valdez and fired his duty weapon at him.<sup>11</sup> Vergara was standing approximately three feet north of the rear of his vehicle to avoid being struck by his car should Valdez collide with his patrol vehicle. Vergara was unsure of Munoz' and Gomez' location at the time he discharged his weapon, but believed they were both east of his location.

Although Valdez' car did not move after it came to a rest on the lawn, the engine continued to rev and the tires continued to rapidly spin, bursting and spewing tire material in the general area. Shortly after, the engine compartment caught fire. The officers took positions of cover until additional units arrived. Once assistance arrived, they formed a tactical plan, approached the burning car, and pulled Valdez out of the car.<sup>12</sup>

Valdez was wearing a black shirt, dark colored pants, and black high top sneakers. A folding knife was recovered from Valdez' right front pants pocket and a black Raider's jersey was removed from his waistband. A black baseball cap was located on the lawn near the Camry.

Paramedics were summoned and arrived at the location. Valdez was pronounced dead at the scene at 9:22 p.m. On March 15, 2015, Deputy Medical Examiner Ogbonna Chinwa, M.D., conducted an autopsy of Valdez. Dr. Chinwa determined that Valdez suffered a single gunshot wound to the right forehead and ascribed the cause of death as a gunshot wound to the head.<sup>13</sup> An analysis of Valdez' blood detected the presence of marijuana, amphetamine, and methamphetamine.

Crescencio Guzman told investigators that he arrived home just prior to 9:00 p.m. As he drove southbound on Pescadero Avenue, he saw a man who looked like a gang member standing next to a beige vehicle, jiggling keys in the driver's door lock mechanism. Guzman had never seen the person before and described him as wearing a black shirt, black baseball cap, and dark colored jeans. Guzman also saw another individual, wearing a white t-shirt, white baseball cap, and black jeans, standing south of the first individual. Guzman pulled into his driveway and the second individual appeared to become nervous. Guzman believed that this individual may have been acting as a lookout.

---

<sup>10</sup> Munoz believed that he fired 5-7 rounds. Investigators determined that Munoz fired eight rounds during the incident.

<sup>11</sup> Vergara believed that he fired 4-5 times. The investigation revealed that Vergara fired six rounds.

<sup>12</sup> The officers had a difficult time seeing due to smoke and were unable to open the driver's side door. Ultimately, the officers were able to open the front passenger door and pulled Valdez out from the passenger's side. Photographs taken at the scene show that the transmission was in reverse.

<sup>13</sup> An analysis of the projectile removed from Valdez determined that Vergara fired the fatal round.

Guzman entered his home, looked out his front window, and called the South Gate Police Department. While on the phone, Guzman saw the man in the black shirt enter the car and begin to move around inside the car. The car's alarm activated and a man who Guzman believed to be the owner of the vehicle approached and said, "Hey, you're trying to steal my car!" The man in the black shirt exited the car, and both the man in the black shirt and the man in the white shirt began to walk away in opposite directions. Guzman followed the man wearing the white shirt on foot at a distance.

As Guzman walked toward the intersection of Seminole Avenue and Capistrano Avenue, he saw several police cars with their overhead lights activated. Guzman believed, but was not positive, that these officers detained the individual in the white shirt who Guzman believed to be a lookout. Guzman saw a car that was similar to the car he saw being burglarized driving southbound on Capistrano Avenue. That car turned eastbound onto Seminole Avenue with a police car following behind. The vehicle stopped and began to drive in reverse. Guzman heard officers yell, "Stop!" multiple times. The vehicle did not stop and it appeared that the driver lost control and collided with a fence. Guzman then heard approximately 10-15 gunshots. Guzman was near the intersection of Pescadero Avenue and Seminole Avenue, approximately one block away, at the time he heard gunshots.

Calderon was interviewed by investigators. Calderon was walking along Capistrano Avenue when he was approached by a Hispanic man wearing a jersey. The man asked Calderon where he could find some marijuana. Calderon was uneasy about the man. Calderon watched the man have a conversation with someone that came out of a residence. Calderon walked southbound away from the location and was detained by police officers. Calderon heard officers yelling commands to someone, heard gunfire, and saw the officers shooting at a car. Calderon was unable to see what occurred because he was inside the patrol vehicle and a block away. When specifically questioned about Valdez, Calderon denied knowing Valdez, but indicated that he may have gotten "high" with him "back in the day."

At the time of the incident, Valdez was 25 years old. [REDACTED]

## CONCLUSION

"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.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those

circumstances. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal.App.2d 577.

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 People have the burden of proving beyond a reasonable doubt that a person did not act in lawful self-defense or defense of another. If the People fail to meet this burden, a jury must find the defendant not guilty. CALCRIM No. 3470.

Before a jury can rely on circumstantial evidence to find a person guilty, the jury must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the accused person is guilty. “If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence.” CALCRIM No. 224.

The evidence examined shows that Officers Munoz, Vergara, and Gomez each responded to a nighttime call regarding two individuals who were burglarizing a car. Munoz and Gomez contacted Calderon, who matched the description of one of the perpetrators. As they were speaking with Calderon, Vergara began to follow an unreported stolen Camry driven by Valdez. Valdez accelerated rapidly, made several turns, and ultimately stopped suddenly along the south curb line of Seminole Avenue facing eastbound. Vergara positioned his car offset and behind Valdez, drew his weapon, and exited his patrol vehicle.

Valdez looked at Vergara, reached toward the floorboard area of the vehicle, and then sat upright. Vergara, concerned with these movements, began to retreat on foot along the driver’s side of his vehicle while ordering Valdez to “Stop!” Valdez ignored Vergara’s commands, placed the Camry in reverse, and quickly accelerated backwards along the passenger’s side of the patrol vehicle in the space between the patrol vehicle and the curb. Vergara, believing that Valdez was going to ram Vergara’s patrol vehicle and injure him, continued to retreat to the rear area of his car.

Gomez saw Valdez reach down in the car and return upright, and also saw him look over his left and right shoulders twice. Gomez heard Vergara’s orders and saw Valdez proceed rapidly backwards. Gomez did not believe that there was enough space for Valdez to proceed and Vergara’s behavior communicated to Gomez that Vergara was fearful. Gomez said he believed that Valdez was attempting to flee, was not listening to the officers, and was going to run Vergara over with his car. Valdez rapidly accelerated as he drove backwards and sharply turned his car to face north. Although Valdez proceeded along the opposite side of the patrol vehicle from Vergara’s location, Gomez indicated that he perceived Valdez’ actions to be a threat to Vergara’s life. Assuming Gomez honestly and reasonably believed in his need to use deadly force to protect Vergara’s life, he is not criminally responsible for Valdez’ death.

Gomez articulated that he discharged his firearm at Valdez in response to the perceived threat to Vergara from Valdez' actions. Gomez stood northeast of Valdez' car at the time he fired his weapon, which likely affected his ability to judge the distance between the patrol car and the curb, particularly at night. Although the path driven by Valdez could have been an escape attempt, rather than an attack on Vergara's life, there is insufficient evidence to prove beyond a reasonable doubt that Gomez' perception was unreasonable. Given this rapidly unfolding event, Valdez' act of reaching toward the floorboard area of the car, Gomez' ability to perceive given the nighttime conditions, Gomez' position with respect to Valdez' vehicle, Gomez' belief that Vergara was fearful based upon Vergara's action in retreating from Valdez, and Valdez' rapid acceleration in reverse in the narrow space between the patrol car and the sidewalk could reasonably support Gomez' split-second decision to use deadly force under these circumstances. Taken as a whole, this evidence is rationally viewed as consistent with the legal theory that Gomez acted honestly and reasonably in defense of Vergara at the time he discharged his weapon. Although this may not be the only reasonable reaction to this set of facts, there is insufficient evidence to prove that it is not a reasonable response. As such, there is insufficient evidence to prove beyond a reasonable doubt that Gomez' actions were criminal in nature.

Munoz heard the screech of the tires and immediately proceeded in the direction of the Camry. Munoz heard gunshots as he approached the location. Munoz initially could not see the Camry clearly and mistakenly believed that Valdez was discharging a firearm at the officers as he attempted to flee the scene. Munoz discharged his firearm in the direction of the Camry. Unable to see his target clearly, Munoz activated his firearm's light, saw that Valdez was looking directly at him through the passenger's side window, and fired at Valdez. The Camry came to a stop on the lawn. Although Munoz was mistaken in his perception that Valdez was shooting at the officers, Munoz acted after hearing Valdez' tires screech, perceiving audible gunfire, and being told to take cover by another officer. There is insufficient evidence to prove beyond a reasonable doubt that Munoz' perception was unreasonable under these circumstances.

Vergara heard Munoz and Gomez discharging their firearms and mistakenly believed that Valdez had opened fire on the officers. As the car turned onto the lawn facing northwest, Vergara was able to see Valdez and fired his weapon at him, hitting Valdez. Although Vergara was mistaken as to the origin of the gunfire, it is not unreasonable that Valdez' actions in stopping suddenly, reaching toward the floorboard area of the car, and accelerating rapidly in reverse created a situation where Vergara feared for his safety and believed that the gunfire emanated from Valdez, rather than his fellow officers. As such, there is insufficient evidence to prove beyond a reasonable doubt that Vergara's misperception that Valdez was firing a weapon was unreasonable under these circumstances.

Given the rapidly evolving situation confronting the officers, we conclude that there is insufficient evidence to prove beyond a reasonable doubt that Officers Isidro Munoz, Edgar Gomez, and Eder Vergara were not acting in lawful self-defense and defense of others when they used deadly force. We are therefore closing our file and will take no further action in this matter.