

**Non-Fatal Officer Involved Shooting of Leonides Enriquez
Long Beach Police Department**

Officer Leighton Mays, #11381

Officer Hector Lizardo, #10860

J.S.I.D. File #21-0323



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

February 1, 2023

MEMORANDUM

TO: CHIEF WALLY HEBEISH
Long Beach Police Department
400 West Broadway
Long Beach, CA 90802

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

SUBJECT: Non-Fatal Officer Involved Shooting of Leonides Enriquez
J.S.I.D. File #21-0323
L.B.P.D. File #21-37213

DATE: February 1, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 8, 2021, non-fatal shooting of Leonides Enriquez by Long Beach Police Department (LBPB) Officers Leighton Mays and Hector Lizardo. We have concluded that there is insufficient evidence to prove beyond a reasonable doubt that Officers Mays and Lizardo did not act in lawful self-defense when they used deadly force.

The District Attorney's Command Center was notified of the shooting at approximately 12:40 a.m. on August 9, 2021. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene and participated in the interviews of several civilian witnesses.

The following analysis is based on police reports, recorded interviews, surveillance video, body-worn video (BWV), firearm analysis reports, medical records, and crime scene photographs submitted by LBPB Detectives Michael Hubbard and Jose Rodriguez. No compelled statements were made or considered in this analysis.

FACTUAL ANALYSIS

On August 8, 2021, at approximately 10:48 p.m., LBPB Officer Amanda Petty observed police vehicles from Signal Hill Police Department (SHPD) driving with lights and sirens near the intersection of Willow Street and Magnolia Avenue in Long Beach. An inquiry with SHPD revealed that they were in pursuit of a suspect, later identified as Leonides Enriquez, who had just robbed a Food 4 Less store at gunpoint in Signal Hill. Enriquez was believed to be driving a silver 2020 Honda Accord and armed with a Glock handgun. A description of his appearance was broadcast over police radio.

At approximately 10:54 p.m., LBPB officers dispatched that the suspect vehicle had crashed at Pacific Coast Highway (PCH) and Harbor Avenue in Long Beach and that the suspect had possibly fled. At that time, Mays and his partner, Frank Nogales, arrived at that intersection and

observed a silver Honda Accord abandoned after being involved in a non-injury hit-and-run traffic collision. Witnesses in the area pointed down the street and told the officers that the driver of the Honda was standing near a white truck next to a temporary taco stand on Harbor Avenue south of Esther Street. They pointed toward Enriquez and warned that he could be armed.

Mays and Nogales approached the taco stand and found one person matching the witnesses' description. Mays and Nogales detained Enriquez at gunpoint and gave him commands to approach their vehicle and place his hands on the hood. Enriquez pulled down on the bottom of his hooded sweatshirt and repeatedly removed his hands from the hood and at times moved them toward his waist. As Mays and Nogales detained Enriquez, other officers, including Lizardo, Hugo Ayala, Sokhoeun Kim, and Trevor Costin, joined the scene. Lizardo stood next to and slightly behind Mays's left shoulder.

Mays, who was standing at the driver side of his patrol vehicle, observed the butt of a handgun protruding from Enriquez's right front trouser pocket and announced his observations. Costin told Enriquez, "We know you have a gun. If you reach for it, you are going to get shot."

Costin ordered Enriquez to get on his knees. Enriquez may have been trying to comply, but rather than put his hands up and get on his knees, he moved his hands toward his waistline and dropped his right hand downward toward his right pant pocket. BWV shows he then moved his hands outward and away from his body, at which time Lizardo and Mays discharged their firearms.¹ However, they appear to have done so reasonably believing that he was reaching for the gun.

Enriquez fell to the ground. Officers approached and handcuffed Enriquez before rendering medical aid. An officer searched and found a black .40 caliber Springfield XD40 semiautomatic handgun in Enriquez's front right pants pocket.² She removed a loaded magazine from the firearm as well as a round from its chamber.³ A second loaded magazine was also found in Enriquez's left rear pants pocket.

Long Beach Fire Department personnel responded to the scene and rendered further medical aid. Enriquez sustained seven gunshot wounds to his neck, chest, abdomen, and hip, and was transported to St. Mary's Medical Center. He underwent multiple surgeries and was hospitalized for approximately two months. Enriquez ultimately suffered multiple injuries to major organs, including the loss of one kidney.

¹ Investigators took possession of and examined Lizardo's duty weapon, a Staccato P 9mm semiautomatic pistol. They found one round in the chamber and 18 rounds remaining in the 20-capacity magazine. Investigators also took possession of and examined Mays's duty weapon, a Sig Sauer P-320 9mm semiautomatic pistol. They found one round in the chamber and 19 rounds remaining in the 21-capacity magazine. Both firearms were test fired and found to be operational.

² The firearm was not legally registered to Enriquez. It was last registered as purchased in Lubbock, Texas. LBPD investigators spoke with the purchaser, who stated that he could not remember the specific gun but believed he had likely sold it in a private party sale at a gun show.

³ The pistol was examined, test fired, and determined to be functional.

Shortly after the incident, LBPD detectives learned that earlier in the evening, at approximately 10:12 p.m., Enriquez had attempted to carjack at gunpoint a woman in the city of Paramount. The woman had driven away, and surveillance video captured Enriquez firing one round toward her vehicle as she fled. A .40-caliber cartridge casing was later collected at the scene.

LBPD detectives also learned that shortly thereafter, Enriquez successfully carjacked a silver Honda Accord from a family of four at gunpoint on the same block as the attempted carjacking. At approximately 10:17 p.m., and prior to the Food 4 Less robbery, the stolen car was involved in a hit-and-run traffic collision in the area of Cherry Avenue and Del Amo Boulevard in Long Beach, which resulted in injuries to another driver.

On August 11, 2021, Enriquez was charged in case NA117793 with three counts of assault with a firearm, three counts of robbery, one count of carjacking, one count of possession of a firearm by a felon, and one count of unlawful possession of ammunition. On November 30, 2021, Enriquez agreed to a plea bargain in which he was convicted of carjacking and robbery and sentenced to six years in state prison.

Mays's Report⁴

In his report detailing the incident, Mays wrote that on August 8, 2021 at approximately 10:50 p.m., he was driving a patrol vehicle with his partner when he heard over dispatch that SHPD was looking for a gray Honda Accord that was involved in an armed robbery that had just occurred, and provided a description of the suspect, including that he was armed with a Glock handgun. He then also heard that the suspect vehicle was possibly involved in a traffic collision at PCH and Harbor Avenue.

Mays drove in that direction and spotted a food stand around which multiple people were gathered. He saw near the intersection a gray, unoccupied four-door Honda Accord that appeared to match the description provided by SHPD. Mays continued southbound on Harbor Avenue and asked a witness if he'd observed anyone running in the area. The witness identified a person standing next to a truck parked near the food stand.

Mays drove to Esther Street and Harbor Avenue and saw Enriquez, who was wearing a gray, hooded jacket and leaning against a white truck parked just south of the food stand. Mays determined that Enriquez might be the armed robbery suspect. Mays parked his car 20 feet from Enriquez, activated his red and blue lights, and exited the vehicle while removing his firearm from its holster. Because of the location of the truck's hood, Mays could not see below Enriquez's shoulders, and Mays ordered Enriquez to keep his hands out of his pockets and walk toward Mays.

Enriquez walked north of the white truck with his hands down by his sides and palms open. According to Mays, Enriquez's eyes were wide, he was avoiding eye contact, and he appeared to be looking around at his surroundings. Given his appearance and behavior, Mays believed

⁴ It is the practice of LBPD that all officers who participate in or witness an officer-involved shooting write reports concerning the incident but are not interviewed. Mays and Lizardo each consulted with their attorneys and reviewed their BWVs prior to writing their reports.

Enriquez was in fact the robbery suspect and ordered him to approach the patrol vehicle. Enriquez instead walked toward the taco stand. Mays again ordered him to approach the patrol vehicle. Enriquez complied and was ordered to put his hands on the hood of the vehicle. As Enriquez did so, Mays saw a black magazine and the butt of a firearm protruding from Enriquez's front right pants pocket.

Mays advised his partner that he saw a firearm in Enriquez's left front pants pocket.⁵ He ordered Enriquez to keep his hands on the hood, but Enriquez removed them and began to put his hands down to his side within an inch of the firearm.

Mays instructed Enriquez to place his hands back on the patrol vehicle. Enriquez did so, then again removed his hands from the hood of the vehicle and held his palms open and facing upward. Mays again instructed him to place his hands back on the hood. Enriquez appeared to Mays to be nervous and fidgety and was constantly turning his head from side to side. Mays heard another officer advise that if Enriquez reached for his gun, he would be shot.

Enriquez turned his body toward Mays and removed himself from the patrol vehicle. He stood, looked down toward his pocket where the firearm was located, and began to move his head downward. Mays saw Enriquez drop his right hand downward toward his right pants pocket. Mays then discharged his firearm twice in Enriquez's direction. He wrote that he did so because he believed that Enriquez was attempting to remove the firearm, and Mays believed that if Enriquez did so, he could cause serious injury or death to Mays or the bystanders. He saw Enriquez tense up and fall to the ground with his arms extended out. Based on how Enriquez fell, Mays lost sight of the firearm. He helped take Enriquez into custody and began rendering medical aid before other officers took over.

Lizardo's Report

In his report detailing the incident, Lizardo wrote that he was driving a patrol vehicle with partner officers Kim and Ayala when he heard over dispatch that SHPD was chasing an armed robbery suspect who was armed with a Glock-type gun. While driving, he spotted a silver Honda that had been involved in a traffic collision and was flagged down by an officer on Harbor Avenue who pointed him toward the outdoor food stand where Mays was detaining Enriquez at gunpoint. Lizardo drove toward Mays and joined him.

Lizardo heard officers order Enriquez to keep his hands on the hood of the patrol vehicle. He stood next to Mays's left shoulder and drew his firearm. He believed Enriquez was acting as if they had detained the wrong person. Mays learned over and said that Enriquez had a firearm in his pocket. Lizardo looked and could see a black base plate from a firearm magazine protruding from Enriquez's front right pants pocket and the shape of a firearm outline on the pocket.

Lizardo told Enriquez, "We see the gun," and heard another officer order Enriquez to get on his knees. Lizardo wrote that Enriquez's facial expression changed and that he raised his hands from the hood, took a step back, and began to drop his right hand toward his front right pants pocket. As Enriquez's hand approached his front right pants pocket, Lizardo fired his firearm

⁵ Mays wrote in his report that he intended to say right front pants pocket.

twice in rapid succession.⁶ He wrote that he did so because he believed Enriquez was reaching to retrieve the firearm in order to shoot Lizardo or other officers standing nearby, and that deadly force was necessary to preserve human life.

Enriquez fell and, after forming an approach plan, Lizardo helped take Enriquez into custody. He saw a firearm protruding from Enriquez's right pocket.

Additional Officer Reports

Numerous officers, including Nogales, Kim, Ayala, and Costin, witnessed moments immediately prior to, during, and after the incident. All reports were reviewed and none differed as to material matters from information otherwise considered in this analysis.

Nogales and Costin, who were present during the incident, each wrote that they did not discharge their firearms because their vision of the suspect was obstructed and they did not have a safe backdrop because of where other officers or bystanders were standing. Kim did not address why he did not fire a weapon. Ayala was providing less lethal cover and was armed with a conducted electrical weapon. He did not address why he did not discharge the weapon.

Statement of [REDACTED]

[REDACTED] was changing a flat tire on a boat trailer attached to his truck near the intersection of Harbor Avenue and PCH when he heard a car crash nearby. He saw Enriquez walk up to his truck and try to open the driver's side door. Enriquez asked [REDACTED] if he could get inside the truck and stated that the police were looking for him. [REDACTED] refused. Enriquez then walked toward a taco stand farther down Harbor Avenue and appeared to place some items inside a white truck parked near the stand. Police soon drove by and asked [REDACTED] if he had seen anyone walking southbound. [REDACTED] identified Enriquez and went back to working on the flat tire. He soon heard officers yell, "Put your hands up," followed by approximately four gunshots.

Statement of [REDACTED]

[REDACTED], who was working at the taco stand, stated that she heard a vehicle collision and shortly afterward, a customer in a white pick-up truck arrived and ordered food. She then saw Enriquez try to get into the white truck. The truck driver told him not to and Enriquez pleaded to be allowed in. She described Enriquez as appearing nervous and holding a bag, which he placed in the truck. [REDACTED] then saw someone standing next to police officers and flashing a light in the direction of Enriquez. Enriquez began to order tacos, but the officers arrived and called Enriquez toward them. They told Enriquez to put his hands up. Enriquez did not obey and kept putting his right hand down to his waist. He reached toward the right side of his waistband three to four times. [REDACTED] thought Enriquez was going to pull out a weapon. She watched him walk to the front of the police vehicle and put his hands on the hood. She said Enriquez was moving around a lot and did not appear to be listening to the officers. She was not sure what preceded the shooting. She saw one officer shoot and believed that he fired his weapon twice.

⁶ Four 9 mm Luger cartridge cases were later recovered, consistent with Lizardo's and Mays' reports that they each fired their duty weapons twice.

Statement of [REDACTED]

At approximately 10:30 p.m., [REDACTED] was standing by his white truck parked next to a taco stand at Harbor Avenue and Esther Street when he saw Enriquez running southbound on Harbor Avenue from PCH. Enriquez ran across the street toward the taco stand and approached [REDACTED]. Speaking in Spanish, Enriquez told [REDACTED], “They are running after me.” Enriquez tried to get into [REDACTED]’s truck, and [REDACTED] shouted at him not to. Enriquez was holding a bag of clothing and asked [REDACTED] to please take Enriquez with him. His tone became rough. While speaking to [REDACTED], Enriquez was reaching into the right side of his waistband. [REDACTED] could not see what was there but knew there was an object. [REDACTED] then saw a man shine a flashlight in Enriquez’s direction. He saw a police car approach and heard officers order Enriquez to put his hands up five to eight times. [REDACTED] initially saw Enriquez’s hands in the air, then saw him drop them toward his waistband with his palms facing his body. [REDACTED] said that Enriquez kept bringing his hands down to his waist and officers repeated verbal commands to him, but Enriquez did not listen. [REDACTED] looked away and then heard three to four gunshots. He did not see the shooting.

Statement of [REDACTED]

[REDACTED] was ordering food from the taco stand when he heard a traffic collision and shortly thereafter saw Enriquez appear. He appeared to be trying to hide and holding a purse under his sweatshirt. [REDACTED] believed that Enriquez had either a knife or a gun inside his shirt. He saw Enriquez throw a bag into the white truck and start speaking to a man standing near the truck. It appeared that he was asking to hide in the truck. The other man appeared to refuse and Enriquez became angry. An LBPD vehicle drove by and Enriquez looked frightened. [REDACTED] saw another patrol vehicle arrive and an officer hold Enriquez at gunpoint. Enriquez kept reaching toward his pockets. Officers gave Enriquez multiple commands to get his hands up and stop reaching into his sweatshirt, but Enriquez did not listen and kept reaching. [REDACTED] heard an officer yell, “Don’t reach!” followed by four to five gunshots.

Additional Witness Statements

Investigators interviewed more than a dozen individuals who witnessed events preceding, during, and after the officer-involved shooting. None of the additional statements differed as to material matters from information otherwise considered in this analysis.

Body-Worn Video

BWV was reviewed from every officer on the scene. Mays’s and Lizardo’s BWVs captured the most relevant portions of the incident.

Mays’s BWV

Mays’s BWV depicts him driving to the scene and exiting his patrol vehicle. He then points at Enriquez, who is leaning against a white truck, and says, “Get over here. I’m talking to you. Walk this way.” Enriquez begins to walk over with his hands in his pockets. Mays orders him

to keep his hands out of his pockets and twice orders him to put his hands on the hood of the patrol vehicle. Enriquez repeatedly grabs at his waist and sweatshirt. He then puts his hands on the hood and asks, “What happened, sir?”

Mays orders Enriquez to keep his hands up. Enriquez turns and points behind Mays with his right hand. Mays says, “Keep your hands on the hood. I’m not going to tell you again.” Mays then says, “Hey, 417 left pocket.”⁷ Mays orders Enriquez to separate his feet. Enriquez moves his body away from the hood and places his right hand near his right pocket.



Fig. 1 – Still photograph from Mays’s BWV capturing Enriquez’s hand initially dropping to his right front pants pocket.

Mays shouts, “Keep your hands up” and “Keep your hands out of your pocket.” Mays again orders Enriquez to place his hands on the hood. Enriquez does so, then lifts his right arm again and Mays again orders him to keep his hands on the hood. Enriquez lifts his left arm and waves both hands in front of his body. Mays repeats his command for Enriquez to place his hands on the hood. An officer is heard saying, “417 right pocket.” Costin is heard saying, “He’s got a gun. Don’t reach for it, you’ll get shot.”

Enriquez appears to sigh and hunch his body. Costin, who is off camera, orders Enriquez to get on his knees. Enriquez drops his hands to his waist before moving his hands away from his waist. Immediately afterward, gunshots can be heard. Enriquez falls to the ground, landing with his right arm under his body. After falling to the ground, he says, “I was just trying to get on my

⁷ The term “417” is commonly used by police officers to refer to a gun.

knees.” Multiple officers order Enriquez to move his arms and state that they want to help him. Within two minutes, officers approach, handcuff Enriquez, and begin to render medical aid.

Lizardo’s BWV

Lizardo does not reach the scene until Enriquez’s hands are already on the hood of the patrol vehicle. Lizardo draws his firearm after Enriquez places his hands out in front of him. He informs Mays that he sees the gun. Enriquez then sighs and takes a breath. Enriquez puts his hands on the hood then moves them back toward his waist. Enriquez’s hands begin to drop toward his waist and Lizardo fires his weapon twice.

Later, Lizardo is approached by his partner, Kim, who asks if he is okay. Lizardo responds, “I’m good, dude. He just reached for it.”

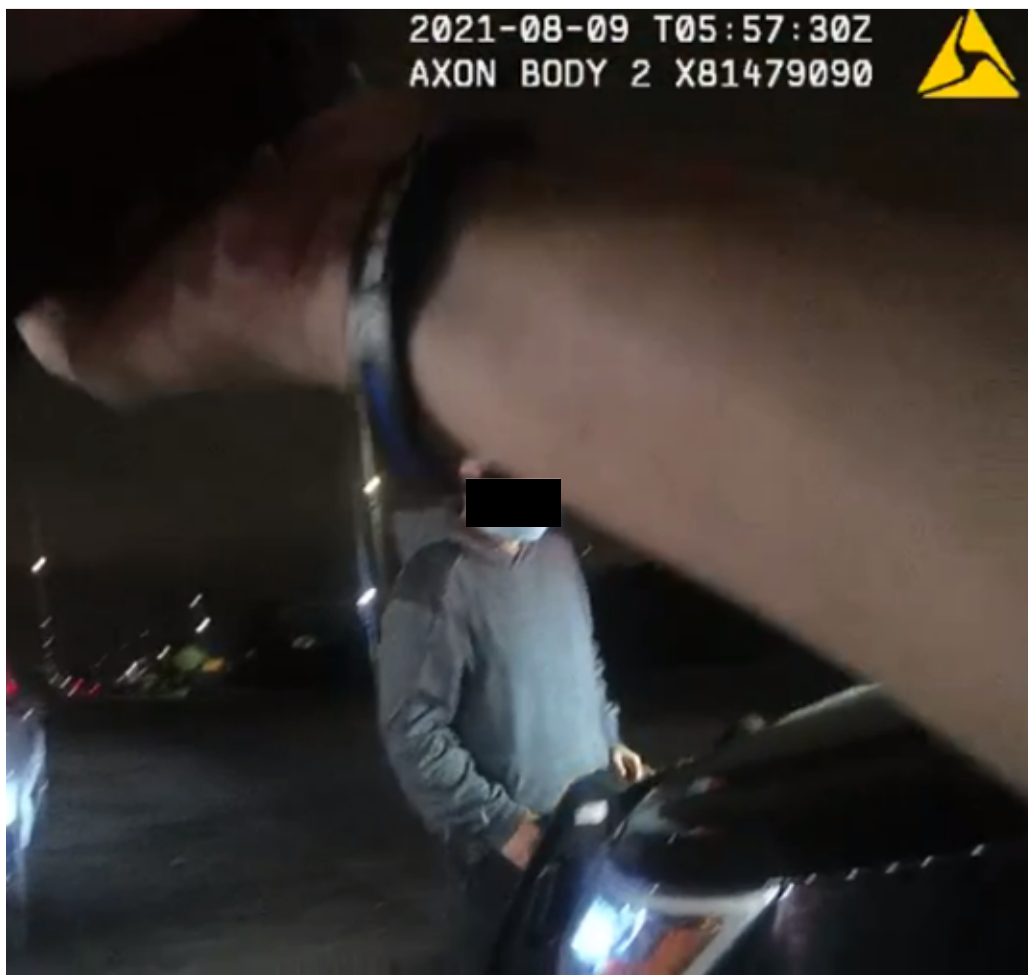


Fig. 2 – Still photograph from Lizardo’s BWV capturing Enriquez’s hand dropping to his right front pants pocket just prior to Lizardo discharging his firearm.



Fig. 3 – Still photograph from Lizardo’s BWV capturing Enriquez’s hand moving away from his waist less than one second before Lizardo and Mays discharge their firearms.

LEGAL ANALYSIS

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 §§ 835a(c)(1)(A) & (B).

Deadly force shall be used “only when necessary in defense of human life,” and officers “shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.” Penal Code § 835a(a)(2).

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 § 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 §§ 835a(a)(4) & (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 § 835a(a)(4). Moreover, "[a] peace officer who makes or attempts to make an arrest need not retreat, or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested." Penal Code § 835a(d).

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, 396–97.

The right to self-defense is the same whether the danger is real or apparent. *People v. Toledo* (1948) 85 Cal. App. 2d 577, 580. "An officer is not constitutionally required to wait until he sets eyes upon the weapon before employing deadly force to protect himself against a fleeing suspect who turns and moves as though to draw a gun." *Thompson v. Hubbard* (2001) 257 F.3d 896, 899. "[A]n officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack. In these circumstances, the Courts cannot ask an officer to hold fire in order to ascertain whether the suspect will, in fact, injure or murder the officer." *Martinez v. County of Los Angeles* (1996) 47 Cal. App. 4th 334, 345.

The evidence examined in this investigation shows that Mays and Lizardo were each responding to a call for service regarding an armed robbery in which the suspect was believed to be armed with a handgun and had just fled a traffic collision. Both saw the abandoned vehicle and were directed by witnesses toward Enriquez. When they confronted Enriquez, they each spotted a firearm protruding from his right pocket and informed each other of what they had seen. Officers at the scene also told Enriquez that the firearm had been spotted.

Enriquez was repeatedly ordered to keep his hands away from his pockets, to keep them up, and to keep them on the hood of the patrol vehicle. Enriquez repeatedly disobeyed these orders and moved his hands at various points in front of his body and down toward his waist, where a gun was visible. When his hand dropped toward his waist, Mays and another officer both warned him not to reach for the gun and not to move his hands. Finally, Costin ordered Enriquez to get on his knees.⁸

After receiving this command, Enriquez again moved his hand toward his waist and next to the pocket where a handgun was seen. It is possible that Enriquez was trying to comply with the command to get on his knees when he moved his hand away from the hood of the patrol car and

⁸ Though Costin's decision to issue a new command while Mays was issuing orders is tactically questionable and may be considered as contributing to the totality of the circumstances, the conduct of a non-shooting officer in this matter does not significantly alter the evaluation of the reasonableness of Mays's and Lizardo's actions when confronting a "tense, uncertain, and rapidly evolving" situation in which a suspect known to be armed and violent had repeatedly disobeyed orders and moved his hand in the direction of a visible gun.

toward his waistband. Indeed, a frame-by-frame analysis of the BWV makes clear that by the time gunshots can be heard, Enriquez's hand had begun to move away from his waist. However, less than one second elapsed between Enriquez moving his hand in the direction of his right front pocket and the officers' discharge of their firearms. Although Enriquez's hand ultimately moved away from the firearm, this short time lapse is consistent with Mays's and Lizardo's reports that they had seen Enriquez drop his hand again toward his pocket, as well as with a possible reactionary gap between the officers' perception of the changing threat posed by Enriquez's hand movements and their decisions to initiate and cease discharging their firearms. Moreover, Mays and Lizardo had already seen Enriquez previously drop his hand toward his firearm and had ordered him to keep his hands up, without firing their weapons. Enriquez's repetition of the same behavior could reasonably be perceived as purposeful disobedience and escalation of a tense and rapidly evolving situation.

Accordingly, the evidence suggests that Mays and Lizardo reasonably believed that Enriquez was a danger based on what they knew of his crime spree, including an armed robbery and a hit-and-run, combined with his evasive behavior. Both officers actually saw Enriquez's firearm in his pocket, and Enriquez was warned that the officers knew he was armed. The officers' perception of Enriquez as a threat was further corroborated by numerous civilian witness statements indicating that Enriquez appeared to be repeatedly moving his hand toward his waistband and the belief of at least one witness that Enriquez might draw a weapon. As Enriquez's hand moved in the direction of his firearm after multiple commands to keep his hands up and away from the gun, Mays and Lizardo fired at him simultaneously. Four rounds hit Enriquez, causing severe injuries that left him hospitalized for approximately two months. The officers' use of deadly force must be judged based on the totality of the circumstances rather than with the benefit of hindsight. Penal Code § 835a(a)(4). In light of Enriquez's violent behavior, coupled with his repeated failure to obey orders to keep his hands away from his firearm, the evidence supports a reasonable belief that the use of deadly force was necessary to defend against an imminent threat of death.

CONCLUSION

For the foregoing reasons, we find that there is insufficient evidence to prove beyond a reasonable doubt that Mays and Lizardo did not act in lawful self-defense when they used deadly force.