

**Non-Fatal Officer Involved Shooting of Samuel Moncada**  
**Montebello Police Department**

**Detective Craig Adams, #1356**  
**Detective Ruben Ramirez, #1365**  
**Corporal Adam Mitchell, #1369**

**J.S.I.D. File #20-0008**



**GEORGE GASCÓN**  
**District Attorney**

**Justice System Integrity Division**  
**April 12, 2023**

## MEMORANDUM

TO: CHIEF PAUL M. ESPINOSA  
Montebello Police Department  
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CAPTAIN ANDREW D. MEYER  
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Monterey Park, California 91755

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

SUBJECT: Non-Fatal Officer Involved Shooting of Samuel Moncada  
J.S.I.D. File #20-0008  
M.P.D. File #20-0258  
L.A.S.D. File #020-00004-3199-057

DATE: April 12, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 12, 2020, non-fatal shooting of Samuel Moncada by Montebello Police Department (MPD) Detective Craig Adams, Detective Ruben Ramirez, and Corporal Adam Mitchell. We find there is insufficient evidence to prove beyond a reasonable doubt that Adams, Ramirez and Mitchell did not reasonably believe deadly force was necessary to apprehend a fleeing felon they reasonably believed would cause death or serious bodily injury to another unless immediately apprehended.

The District Attorney's Command Center was notified of this shooting on January 12, 2020, at approximately 1:56 p.m. The District Attorney Response Team (DART) responded to the location of the shooting, where they received a briefing and walk-through of the scene.

The following analysis is based on police reports, recorded interviews, radio transmissions and records, crime scene photographs and diagrams, surveillance video, ballistic reports, and other evidence submitted to this office by Los Angeles County Sheriff's Department (LASD) Homicide Bureau Detectives Michael Austin and Jonathan Bailey. None of the officers were equipped with body-worn cameras. Through their attorney, Adams, Ramirez and Mitchell declined to provide voluntary statements.

## FACTUAL ANALYSIS

On January 11, 2020, at approximately 12:55 p.m., MPD officers responded to a “shots fired” call at an apartment complex in the 1000 block of Bluff Road. Officer Robert Josett located [REDACTED], lying on a sidewalk suffering from gunshot wounds. Paramedics pronounced [REDACTED] deceased at the scene.

Witnesses told MPD officers that prior to the shooting, they observed three men talking near a grey Mitsubishi parked on Bluff Road. Witnesses heard several gunshots, saw a white Honda sedan speed away, and saw [REDACTED] lying on the sidewalk suffering from gunshot wounds. MPD dispatch received a call from a witness who observed a white Honda Accord drive away from the shooting at a high rate of speed, run a red light and turn eastbound on Washington Boulevard. The witness provided dispatch with the Accord’s license plate number.

MPD Homicide Sergeant Jennifer Carrera notified Detective Craig Adams of the homicide, who responded to the scene and was given a briefing. Adams retrieved surveillance video from a nearby motel showing a white Honda Accord fleeing the area at a high rate of speed near the time of the shooting. Detectives determined the Accord was registered to [REDACTED], and [REDACTED] at a Compton address. Using departmental resources, detectives identified Samuel Moncada, a relative of [REDACTED], and [REDACTED], as a suspect in the homicide. Detectives reviewed Moncada’s criminal history and other departmental databases, which revealed [REDACTED]

[REDACTED] Detectives identified a current address for Moncada on [REDACTED] [REDACTED] in Montebello. They also learned Moncada was free on bail in case BA471723 for possession of a controlled substance with a firearm, in violation of Health and Safety Code section 11370.1, and possession for sale of cocaine, in violation of Health and Safety Code section 11351.<sup>1</sup>

On the morning of January 12, 2020, Carrera observed the Accord parked on [REDACTED] [REDACTED] in front of Moncada’s residence and instructed the detective team to respond to the location. Sometime before 1:00 p.m., Adams and Detective Ruben Ramirez arrived in an unmarked Dodge Durango SUV and parked on the northwest end of [REDACTED] [REDACTED]t. Corporal Adam Mitchell and his partner, Officer Trevor Goetz, who were wearing full police uniforms, waited in a marked, black-and-white patrol SUV on Whittier Boulevard west of [REDACTED] [REDACTED]. Detectives Paul Antista and Phillip Vebrook waited in an unmarked Ford Explorer in the alley north of Moncada’s apartment complex. Carrera drove southbound and parked her white Chevrolet Malibu northbound along the east curb of [REDACTED] [REDACTED].

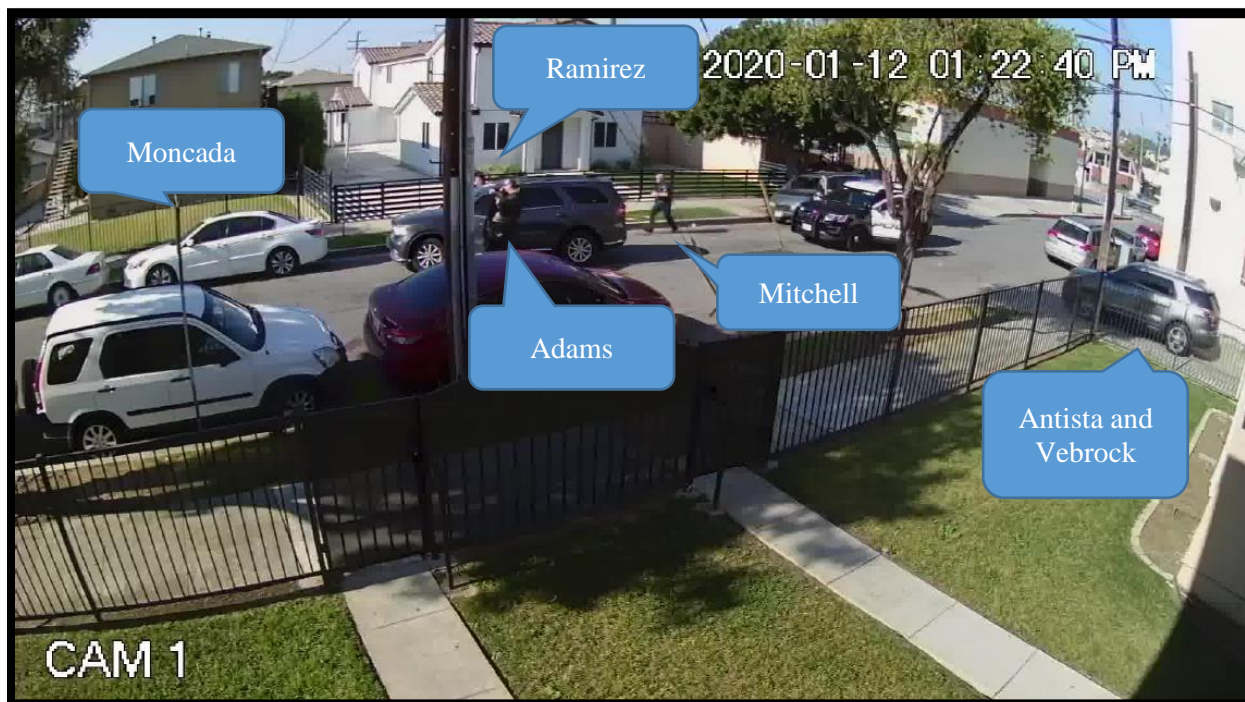
At approximately 1:01 p.m., Moncada exited his apartment carrying a white plastic bag, walked across the street, entered the driver’s seat of the Accord and closed the door.<sup>2</sup> Adams drove southbound, activated his siren and parked behind the Accord. Goetz drove southbound onto [REDACTED] [REDACTED], parked behind the Dodge and activated his flashing red-and-white, forward-facing emergency lights. Ramirez, who was wearing plain clothes under a tactical vest and an MPD badge on a neck chain, exited and stood on the passenger side of the Dodge. Ramirez gave Moncada audible commands to put his hands up and not move. Adams, who was wearing plain

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<sup>1</sup> Moncada pled no contest to one count and is pending sentencing.

<sup>2</sup> The Accord’s side and rear windows are tinted.

clothes under a tactical vest marked “Police,” exited and stood behind his open driver’s side door. Mitchell, who was wearing a full police uniform, exited the passenger side of the patrol SUV and ran towards Ramirez.



Still photo from surveillance video showing location of Moncada and officers prior to incident.

Ramirez continued giving Moncada commands not to move. Moncada started the engine and reversed in the direction Ramirez and Mitchell were standing. Ramirez and other officers continued giving Moncada audible commands to stop. When Moncada continued reversing towards them, Ramirez and Mitchell fired their duty weapons at the Accord. Ramirez and Mitchell continued firing as Moncada stopped reversing and began driving forward into the street. Adams began firing his duty weapon as Moncada pulled into the street, collided with a parked SUV on the east side of the street, and continued driving southbound in Carrera’s direction.<sup>3</sup> Adams broadcast, “Shots fired! Shots fired! Vehicle’s going southbound at a high rate of speed!” Carrera pulled the Malibu into the street, parked blocking the road, exited and took cover behind parked cars. Moncada stopped the Accord a few feet in front of Carrera’s Malibu, exited and attempted to flee on foot holding an object until he was detained by Carrera at gunpoint.<sup>4</sup> Moncada was transported to Beverly Hospital, treated for a superficial wound to his left upper thigh, released and placed under arrest.

After the incident, MPD executed a search warrant of Moncada’s apartment. The search yielded a firearm, narcotics, a large-capacity magazine, and a silencer. Based on the items recovered, Moncada was booked for possession of an assault weapon, in violation of Penal Code section 30605(a), possession of a controlled substance for sale, in violation of Health and Safety Code

<sup>3</sup> The elapsed time between the sound of the first and last gunshots is approximately three seconds.

<sup>4</sup> The object was determined to be a cell phone.

section 11351, possession of a large-capacity magazine, in violation of Penal Code section 32310, and possession of a silencer, in violation of Penal Code section 33410.<sup>5</sup> Charges were not immediately filed against Moncada, and he was released.

After further investigation, Moncada was charged for the murder of [REDACTED] on July 20, 2020. In case BA488642, prosecutors alleged one count of murder, in violation of Penal Code section 187(a), two counts of attempted murder, in violation of Penal Code section 664-187(a), one count of shooting from a motor vehicle, in violation of 26100(c), allegations as to counts one through four that he discharged a weapon from a motor vehicle resulting in great bodily injury or death, in violation of Penal Code section 12022.55, one count of possession of an assault weapon, in violation of Penal Code section 30605(a) with an allegation that he personally used a firearm, in violation of Penal Code section 12022.5(a), one count of possession of a silencer, in violation of Penal Code section 33410, and one count of possession of cocaine for sale, in violation of Health and Safety Code section 11351. These charges are pending.

### Surveillance Video

Investigators obtained surveillance video positioned on the exterior of Moncada's apartment building, as well as Nest camera video containing audio from a nearby building. Investigators determined the timestamp on the building surveillance videos were approximately 21 minutes fast. The building surveillance video has no sound. Investigators provided surveillance video synced with the audio from the Nest camera video for review.

The surveillance video shows Moncada exiting the front gate of his apartment complex carrying a white plastic bag. Moncada stops briefly beside the passenger door of a white Honda CRV parked in front of the building, crosses the street and enters the driver's seat of a white Honda Accord parked along the west curb.<sup>6</sup> Adams and Ramirez are parked in an unmarked Dodge SUV north of the Accord.



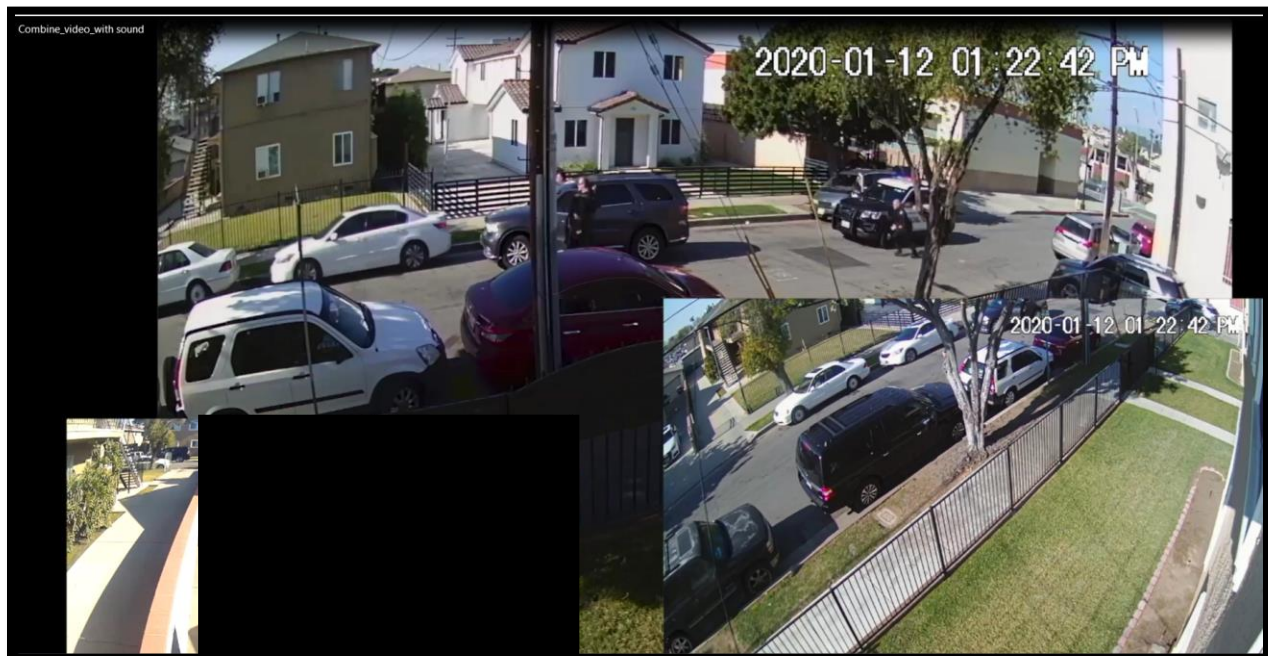
Moncada entering the Accord carrying a white plastic bag.

<sup>5</sup> In his report, MPD Detective Luis Martinez wrote Moncada was arrested for a violation of Penal Code section 245 (assault with a deadly weapon) but was not booked on that charge due to the on-going LASD OIS investigation.

<sup>6</sup> [REDACTED] was sitting inside the CRV.



After Moncada enters the driver's seat and closes the door, Adams drives southbound, activates his lights and sirens, parks behind the Accord, and turns off the sirens. Goetz turns southbound onto [REDACTED] from Whittier Boulevard driving a marked, black-and-white SUV, parks behind the Dodge and activates his red-and-blue overhead emergency lights. Ramirez exits the passenger side of the Dodge and yells, "Get out! Put your hands up and do not move!" Adams exits the driver's side of the Dodge and stands behind his open door talking on a handheld radio.<sup>7</sup> Mitchell exits the passenger side of the patrol SUV and runs towards Ramirez standing on the passenger side of the Dodge. The Accord's engine audibly revs as the Accord begins reversing towards the passenger side of the Dodge's front bumper.<sup>8</sup> Ramirez and another officer yells, "Hey! Don't Move! Don't Move!" Gunfire erupts after the Accord continues reversing in Ramirez and Mitchell's direction.<sup>9</sup>



Still photo from surveillance video at the approximate time of the first gunshots.

Adams throws the handheld radio into the Dodge and transitions to his duty weapon as he runs around his driver's side door. The Accord stops reversing and begins pulling forward into the street as Adams begins firing his handgun at the Accord.<sup>10</sup> Adams continues firing as the Accord continues driving forward and collides into the driver's side of a black Ford Expedition parked on the east side of the street.<sup>11</sup>

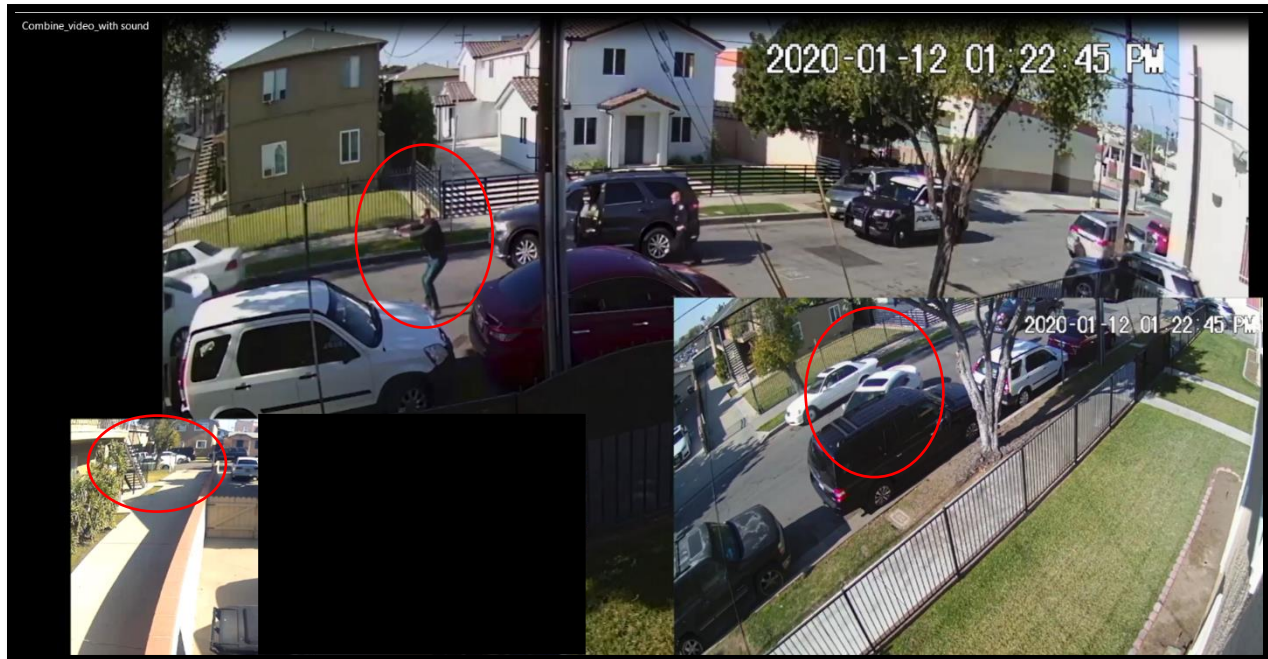
<sup>7</sup> Radio transmissions between the detectives prior to the shooting were not recorded.

<sup>8</sup> Due to the Accord's tinted windows, Moncada cannot be seen clearly on the video.

<sup>9</sup> A utility pole and the Dodge obscure the view of Ramirez and Mitchell when they fire their weapons.

<sup>10</sup> Several weapons can be heard firing simultaneously. From the combined video, it cannot be determined when Ramirez or Mitchell fired their first or last gunshot.

<sup>11</sup> Adams' last identifiable gunshot occurs at 1:22:45 p.m. The length of time between Adams' first and last observable gunshots is approximately two seconds.



Adams firing (top left) as the Accord collides into a Ford Expedition (bottom left and right).

After the collision, the Accord's engine audibly revs as Moncada drives southbound and out of view of the surveillance cameras.

## WITNESS STATEMENTS

### ██████████'s Statement<sup>12</sup>

██████████ told investigators he was inside his living room when he heard someone yell, "Freeze!" ██████████ looked outside and observed a police officer wearing a vest typically worn by police officers fire a handgun four to five times at his neighbor Moncada before Moncada drove out of view. ██████████ heard an officer say, "Get him down the street!" ██████████ said Moncada typically drove the Accord.

### Carrera's Statement

Carrera told investigators she and the other detectives responded to the scene of the Bluff Road homicide on January 11, 2020. Antista was assigned as the handling detective. Detectives were informed of a 9-1-1 call providing the license plate number of a white Honda Accord seen fleeing the scene. ██████████ was identified as a registered owner of the Accord at a Compton address. Using departmental resources, the detectives identified Moncada, ██████████'s son, as a possible suspect in Guzman's homicide. Detectives reviewed Moncada's photograph, criminal history, calls for service and other databases, ██████████ ██████████ ██████████. Carrera drove to ██████████ and located the Accord parked across the street from Moncada's residence. Carrera contacted Adams

<sup>12</sup> All statements are recorded unless otherwise noted.

and instructed him to respond to the location with the team. Adams and the team made the required notifications and created an operations plan before responding to her location. Carrera parked her Malibu north of the Accord and waited for the team to arrive. Adams and Ramirez arrived shortly before 1:00 p.m. and took Carrera's parking space. Carrera briefly left the location to refuel the Malibu, returned and parked northbound on the east side of [REDACTED]. Over the radio, Carrera and the team formulated a plan to detain anyone entering the Accord.

From her location, Carrera could see the driver's side of the Accord but had a limited view of the street. Carrera heard Adams broadcast that someone was walking towards the Accord. Carrera saw someone approach the Accord and heard Adams broadcast for the team to move in to detain him. Carrera saw the person look north towards where Adams and Ramirez were parked before entering the driver's side door of the Accord. Carrera saw the Dodge drive forward with its lights and sirens activated and park at an angle behind the Accord. Carrera saw Ramirez exit the passenger side of the Dodge. Carrera saw the Accord reversing towards the Dodge but was too far away to estimate the distance or speed of the Accord. From her perspective, it appeared the Accord was reversing towards Adams on the driver's side of the Dodge. Carrera heard gunfire.

Concerned she was in the line of fire, Carrera waited to move until the gunfire stopped. Carrera saw the Accord collide with a parked vehicle and continue driving towards her. Carrera heard the Accord "revving" its engine. As previously discussed with the team, Carrera pulled the Malibu from the curb into the street and parked blocking the road. Carrera exited the Malibu and took cover behind another vehicle as the Accord "barreled" towards her. Carrera was afraid the Accord was not going to stop and was going to collide with the Malibu or other cars parked on the street and injure her. The Accord stopped in front of the Malibu, and Moncada exited the vehicle and started to flee on foot. Carrera approached Moncada, who was holding an object in his right hand, at gunpoint and instructed him to show his hands and lie on the ground. Carrera realized Moncada was holding a cell phone. Moncada told her he had been shot, and Carrera observed an injury to his leg she described as similar to a cigar burn or paintball welt.

### Moncada's Statement

On January 12, 2020, investigators interviewed Moncada at the MPD Station. Moncada initially told investigators his current address was on [REDACTED] but later said he lived in Compton with his grandmother. Moncada said he drove his sister's Accord because he did not have his own car. After waiving his Miranda rights, Moncada told investigators he arrived home in Compton around 3 a.m. and slept until 9:00 or 10:00 a.m. that morning.<sup>13</sup> Around noon, Moncada drove to a bakery in Norwalk where he bought a cake for his mother's birthday party. Moncada arrived at the [REDACTED] address approximately ten minutes before the incident to give the cake to his mother, who was driving separately to her birthday party in Compton.<sup>14</sup>

Moncada said he entered the Accord, started the engine and was backing up when he heard five to six gunshots. Moncada denied seeing any police cars or emergency lights or hearing any sirens or police commands and said he was not aware any police officers were behind the Accord until he heard gunfire. Moncada pulled over when he realized he had been shot. Moncada did

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<sup>13</sup> Other apartment surveillance video contradicts this statement.

<sup>14</sup> Other apartment surveillance video contradicts this statement.



not recall colliding with other cars and denied being under the influence. Moncada denied carrying anything to the Accord. When investigators told Moncada there was video of him carrying a white bag to the car, he said the bag “probably contained something for his mother.” When investigators said the white bag contained a box of bullets, Moncada denied any knowledge of the bag or its contents.

Moncada told investigators when he asked an officer why he had been shot, he was told he was a suspect in a homicide. Moncada denied being involved in any homicide and told investigators he was with friends at a Montebello motel on January 11, 2020. Moncada refused to provide any further details or the names of his friends. Moncada said he attended high school in Montebello and admitted being arrested for tagging but denied being in a specific tagging crew or knowing anyone associated with the Fraser Maravilla gang.

Investigators’ attempts to contact [REDACTED] for an interview were unsuccessful.

## **OTHER EVIDENCE**

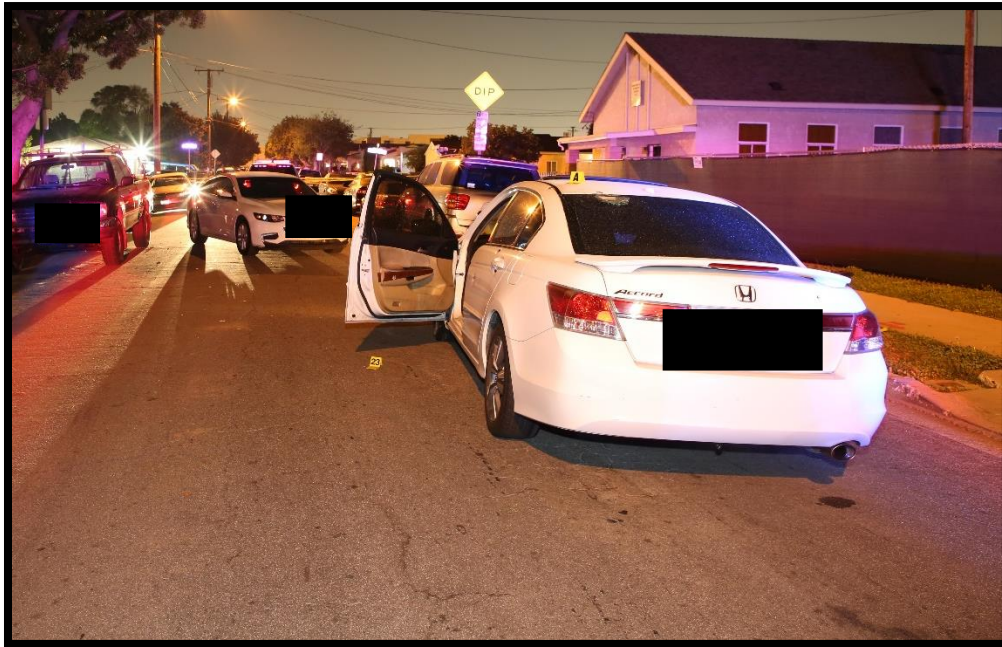
From the scene on [REDACTED], criminalists recovered six Winchester .45 caliber expended cartridge casings, 13 Winchester 9mm Luger expended cartridge casings, and three FC 9mm Luger expended cartridge casings. Criminalists recovered Adams’ 9mm Glock 17 semi-automatic duty weapon containing six FC 9mm Luger live cartridges and four Winchester 9mm Luger live cartridges, as well as two magazines each containing 17 Winchester 9mm Luger live cartridges. Criminalists recovered Ramirez’s 9mm Glock 17 semi-automatic duty weapon containing 18 Winchester 9mm Luger live cartridges, as well as an additional magazine containing nine Winchester 9mm live cartridges.<sup>15</sup> Criminalists recovered Mitchell’s .45 caliber Glock 21 semi-automatic duty weapon containing 14 Winchester .45 caliber live cartridges, as well as an additional magazine containing seven Winchester .45 live cartridges.<sup>16</sup> Adams fired eight rounds, Ramirez fired eight rounds, and Mitchell fired six rounds; a total of 22 shots were fired.

Criminalists identified approximately 22 bullet holes and recovered 15 bullets or bullet fragments from the Accord. The Accord’s front bumper was recovered on the street beside the driver’s side front wheel of a black Chevrolet Tahoe SUV parked behind the Ford. Criminalists identified one bullet strike on the top edge of the weather stripping around the driver’s side rear window of the Chevrolet. LASD contacted the California Highway Patrol (CHP) to analyze data retrieved from the Accord. CHP was unable to determine the Accord’s speed during the incident.

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<sup>15</sup> Ramirez made a tactical reload.

<sup>16</sup> Mitchell made a tactical reload.



Moncada's Accord stopped north of Carrera's Malibu.

Inside the Accord, criminalists recovered a white plastic bag on the front passenger floorboard containing a 50-count box with 35 live rounds of Winchester S&W .40 caliber ammunition.<sup>17</sup> Criminalists recovered an expended Winchester S&W .40 caliber cartridge casing from the front passenger seat and an expended Winchester S&W .40 caliber cartridge casing from the exterior of the driver's windshield.<sup>18</sup> Criminalists recovered Moncada's wallet, a beanie, a knit cap, and an iPhone inside the Accord, and a second iPhone lying on the street.

Inside Moncada's [REDACTED] residence, criminalists recovered several items covered with gang-related graffiti. Criminalists recovered a utility bag containing a black "Cobray" M-11 9mm semi-automatic, a silencer, a flash suppressor, and 30 rounds in an extended magazine. Criminalists recovered a backpack containing a black Beretta Pico gun case and five cell phones. The gun case contained a box of six rounds of .233 REM 55GY ammunition, 24 loose rounds of .233 REM 55GY ammunition, an empty silver magazine, and six rounds of .380 automatic ammunition. Inside a bedroom containing Moncada's personal effects, criminalists recovered cocaine base, \$1800 in cash, and a box containing six rounds of 9mm Luger ammunition.

## LEGAL ANALYSIS

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;

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<sup>17</sup> Criminalists recovered three expended .40 caliber casings and a fired bullet from the Bluff Road crime scene consistent with ammunition used in a .40 caliber Smith & Wesson or 10mm firearm. The coroner recovered a projectile from [REDACTED]'s body consistent with ammunition used in a .40 caliber Smith & Wesson or 10mm firearm.

<sup>18</sup> Criminalists determined the two expended .40 caliber casings recovered from Moncada's Accord were fired from the same weapon as the expended .40 caliber casings recovered from the Bluff Road crime scene.

*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. The People have the burden of proving beyond a reasonable doubt that the defendant did not have an actual or reasonable belief in the need for self-defense or the defense of others. *People v. Banks* (1976) 67 Cal.App.3d 379.

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) & (B).<sup>19</sup>

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 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) & (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).

The Supreme Court has held, “[A]n officer did not violate clearly established law when she shot a fleeing suspect out of fear that he endangered ‘other officers on foot who [she] *believed* were in the immediate area,’ ‘the occupied vehicles in [his] path,’ and ‘any other citizens who *might* be in the area.’” *Mullenix v. Luna* (2015) 577 U.S. 7, 14 (quoting *Brosseau v. Haugen* (2004) 543 U.S. 194, 197) (italics in the original). The Supreme Court has noted that when an escaping felon is using a vehicle to effectuate his escape, the risk to the lives of innocent bystanders as well as officers may be higher. *Plumhoff v. Rickard* (2014) 572 U.S. 765; *see also Scott v. Harris* (2007) 550 U.S. 372, fn. 9 (“[I]n this case ... it was respondent’s flight itself (by means of a speeding automobile) that posed the threat of ‘serious physical harm ... to others.’”)

If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, it is the duty of such person to refrain from using force or any weapon to resist such arrest. Penal Code section 834a.

In a criminal action, evidence of the character or a trait of character in the form of an opinion, evidence of reputation, or evidence of specific instances of conduct of the victim of the crime for which the defendant is being prosecuted is not made inadmissible by Evidence Code Section 1101 if the evidence is offered by the defendant to prove conduct of the victim in conformity

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<sup>19</sup> This version of Penal Code section 835a went into effect on January 1, 2020.

with the character or trait of character. Evidence Code section 1103.

Based on the totality of the circumstances, there is insufficient evidence to prove beyond a reasonable doubt that Adams, Ramirez and Mitchell did not reasonably believe deadly force was necessary to apprehend a fleeing felon they reasonably believed would cause death or serious bodily injury to another unless immediately apprehended. Less than 24 hours after the commission of the drive-by homicide of [REDACTED], Carrera located the white Honda Accord matching the description and license plate of the vehicle witnesses observed fleeing the scene parked directly in front of Moncada's residence. Officers observed Moncada enter the Accord's driver's seat holding a white plastic bag. The officers were aware Moncada was the suspect in Guzman's homicide, were familiar with Moncada's criminal history, [REDACTED] [REDACTED], and would have reasonably believed Moncada was armed.

The evidence supports the conclusion that Moncada should have been aware he was being detained or arrested by police officers. Adams activated the Dodge's lights and sirens and parked directly behind the Accord. A marked, black-and-white patrol SUV with its emergency lights activated also parked behind the Accord. Ramirez and Adams were wearing tactical vests and insignia identifying them as police officers, which [REDACTED] recognized as police officer attire. Mitchell and Goetz were wearing full police uniforms. Ramirez and other officers gave Moncada repeated, audible commands to exit the Accord and not move. Moncada's statement to investigators that he was not aware that police officers were behind him when he reversed in their direction is not credible.

Instead of complying with the officers' repeated, audible commands to exit the Accord, Moncada started the engine and reversed towards the officers, who continued giving Moncada commands to stop. The surveillance video shows that Ramirez and Mitchell did not begin firing at the Accord until after Moncada continued reversing in their direction. Moncada did not stop reversing until after being fired upon and continued trying to escape even after being fired upon. Because Adams, Ramirez and Mitchell did not provide statements, it is unclear what they may have also observed or perceived before they began firing their duty weapons. However, the evidence shows that the officers were forced to make a split-second decision in response to Moncada's actions.

There is insufficient evidence to prove beyond a reasonable doubt that Adams did not reasonably believe that Carrera and others were also in danger of being injured or killed by Moncada, a homicide suspect who was presumed to be armed and was fleeing the police. Adams was aware that Carrera was positioned south of their location. Adams continued firing as Moncada pulled into the street, collided into a parked car and continued driving erratically in Carrera's direction. Immediately after the shooting, Adams broadcast that the vehicle was driving southbound at a "high rate of speed." Carrera told investigators she heard Moncada's engine "rev," observed the Accord "barreling" towards her, and was concerned she would be struck. Moncada did not stop driving until the Accord's path was physically blocked by Carrera's Malibu and continued fleeing on foot while holding an unknown object until Carrera detained him at gunpoint.

## **CONCLUSION**

Based on the totality of the circumstances, we find there is insufficient evidence to prove beyond a reasonable doubt that Detective Adams, Detective Ramirez and Corporal Mitchell did not reasonably believe deadly force was necessary to apprehend a fleeing felon they reasonably believed would cause death or serious bodily injury to another unless immediately apprehended