

**Officer Involved Shooting of Jesse Murillo**

**Los Angeles Police Department**

**Officer Christopher Montague, #40533**

**Officer Fred Sigman, #40578**

**J.S.I.D. File #17-0566**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**May 26, 2020**

**MEMORANDUM**

TO:                   COMMANDER TIMOTHY NORDQUIST  
Los Angeles Police Department  
Force Investigation Division  
100 West First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT:           Officer Involved Shooting of Jesse Murillo  
J.S.I.D. File #17-0566  
F.I.D. File #F081-17

DATE:               May 26, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 23, 2017, fatal shooting of Jesse Murillo by Los Angeles Police Department (LAPD) Officers Christopher Montague and Fred Sigman. We have determined that Officer Sigman acted in lawful self-defense when he used deadly force against Murillo. We have determined that Officer Montague acted in the defense of others when he used deadly force against Murillo.

The District Attorney's Command Center was notified of this shooting on December 23, 2017, at approximately 8:30 p.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Lieutenant James Antenucci.

The following analysis is based on reports and other materials, including 9-1-1 calls, radio transmissions, police body-worn camera recordings, photographs, and audio-recorded interviews of witnesses submitted by the LAPD Force Investigation Division. The compelled statements of Officers Montague and Sigman were not considered in this analysis.

**FACTUAL ANALYSIS**

On December 23, 2017, at approximately 7:07 p.m., Murillo and his sister engaged in a verbal argument at their mother's house located on De Soto Avenue in Canoga Park.<sup>1</sup> During the argument, Murillo lunged at his sister. Murillo's mother's fiancée, Mark G., placed his arm in front of Murillo's chest to prevent Murillo from assaulting his sister. Murillo placed Mark G. in a chokehold and threw him to the floor before retreating to his bedroom. Mark G.'s right

---

<sup>1</sup> Earlier the same day, LAPD officers responded to the house after a 9-1-1 call reporting a domestic dispute. Murillo was not present when the officers arrived at the house. Murillo's sister told the officers that she and Murillo were involved in a verbal argument, and Murillo broke her iPhone. Murillo pushed a neighbor in front of his house before he left.

shoulder was injured as a result. Mark G. went to Murillo's bedroom, and Murillo displayed a knife and told Mark G, "Get the fuck away." Mark G. waited in front of the house and called 9-1-1. Murillo exited the residence and slapped Mark G. several times in the face and head and attempted to gouge his eyes out. Murillo is heard on the 9-1-1 call screaming, "Fuck you and fuck the police!" Murillo entered the residence before the police arrived.

At approximately 7:09 p.m., a radio call was broadcast to police units informing them of a "battery in progress." LAPD officers responded to the call. At approximately 7:15 p.m., Officer Vege, who was wearing his standard police uniform, contacted Mark G. on the sidewalk in front of the house. Mark G. informed Vege that Murillo was armed with a knife. Murillo's sister was standing outside holding her baby, and her five other children were still inside the house.

Vege and paramedics who responded to the scene heard persons yelling for help from inside the house. Vege believed Murillo was possibly assaulting persons inside the house, and he entered the front gate leading to the front yard. At the same time, Murillo exited the location wearing a gas mask and holding a "machete"<sup>2</sup> in one hand and a hammer<sup>3</sup> in his other hand. Vege pointed his service weapon at Murillo and yelled, "Hey drop it. Now! Drop it! Drop the knife!"

Murillo changed direction and jumped the fence north of the house into an alley which connected to another alley running parallel and to the west of De Soto Avenue. At approximately 7:20 p.m., Vege broadcast over the radio, "Officer needs help" and stated, "Male armed with a machete possibly assaulting people inside the residence." Several children and adults exited the residence and were immediately transported away from the location for their safety.

In response to the help call, numerous police cars and a police helicopter responded to the location. The helicopter was heard overhead and it shined its spotlight on Murillo. An officer in the police helicopter saw Murillo walking southbound in the alley behind the residence approaching Strathern Street wearing a gas mask. Simultaneously, Officers Montague and Sigman responded to the location from Topanga Community Police Station. As they approached the area, the same officer in the helicopter broadcast over the radio that a man with a gas mask was walking southbound in the alley.<sup>4</sup> Sigman directed Montague, who was driving the police car, to continue past the residence south on De Soto Avenue. Montague turned west on Strathern Street and stopped the marked police car in the middle of the street just east of the alley.

---

<sup>2</sup> Vege believed it was a machete, but it was later determined to be a long and flat metal tool used for flooring called a "pull bar." The pull bar was 16.5 inches long and three inches wide.

<sup>3</sup> A firefighter at the scene saw Murillo holding a hammer above his head. Murillo's sister also described seeing Murillo exit with "a gas mask and a hammer and a machete."

<sup>4</sup> This radio communication can be heard on the officers' body worn cameras.



Montague and Sigman's police car stopped near the mouth of the alley on Strathern Street.

As Murillo approached the mouth of the alley on Strathern Street, he immediately sprinted in a southeast direction toward Sigman while holding the pull bar in his right hand over his head. Simultaneously, Sigman exited the passenger side of the police car and yelled, "Hey, stop!" Murillo did not stop and continued running. Sigman waited nearly three seconds before he fired a total of five rounds from his 9mm service weapon at Murillo within two seconds. Montague fired a total of two rounds from his .45 caliber service weapon at Murillo in under half a second. As the officers fired their weapons, Murillo began running eastbound along the sidewalk adjacent to their police car before falling on the ground. Both Sigman and Montague were equipped with body worn cameras, which recorded the shooting.

Murillo was approximately 50 feet away from Sigman when he began sprinting toward him. Sigman fired his first round at Murillo when he was about 22 feet away. Murillo was struck by gunfire, and he landed approximately 14 feet from Sigman on the dirt landscape adjacent to the sidewalk. The pull bar fell and came to rest adjacent to Murillo, and Sigman approached and kicked the pull bar away from Murillo's reach.

After the shooting, Murillo was conscious and speaking. Officers arrested Murillo and removed a hammer from within the front of his jacket. Murillo was transported to the hospital where he succumbed to his injuries.



Pull bar at the scene photographed next to a six-inch ruler.



Hammer and gas mask left at the scene when Murillo was transported to the hospital.

On December 27, 2017, an autopsy was conducted, and the medical examiner determined that the cause of Murillo's death was multiple gunshot wounds. Toxicology analysis determined that Murillo had a 0.12 percent blood alcohol content at the time of his death.

## LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others if he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. CALCRIM No. 505. In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. *Id.* If



the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.* A deadly weapon is any object, instrument, or weapon that is inherently deadly or one that is used in such a way that it is capable of causing and likely to cause death or great bodily injury. CALCRIM No. 875.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard, which enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation. *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1146.

In evaluating whether a police officer's use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

When Sigman and Montague arrived in response to an "officer needs help" call, they had specific information that Murillo was armed with a machete. In fact, Murillo was armed with two other deadly weapons, a long metal tool and a hammer, both of which he held aggressively when he exited the house and contacted Vege. Vege instructed Murillo to drop his weapon, but Murillo ignored Vege's commands and fled with both weapons. Murillo knew Vege was a police officer because Vege was in full uniform, and based on Murillo's statements recorded on the 9-1-1 call, he knew the police were coming before they arrived.

Murillo walked south in the alley behind the residences located on De Soto Avenue as a police helicopter shined its spotlight on him. Murillo was aware of the police presence and when he reached the mouth of the alley he immediately ran in the direction of the closest police officer while wielding the pull bar. Sigman commanded Murillo to stop, but instead of stopping or changing direction, Murillo continued to charge toward Sigman with the pull bar in his hand. Based on the body camera evidence, Sigman waited approximately three seconds after Murillo began running before firing at Murillo. Montague fired his service weapon after Sigman started firing, while Murillo was still making forward progress with the pull bar in his hand. Murillo initially ran directly toward Sigman, but began running east while still closing distance between himself and Sigman as both officers fired their service weapons.

The slight change in direction in such a short time span under rapidly evolving circumstances with an armed and dangerous person does not change the self-defense analysis here. Sufficient facts exist to indicate that Sigman and Montague fired their service weapons in response to the actual and imminent danger of great bodily injury Murillo posed to Sigman. When Murillo reached the mouth of the alley, he had several options, including abandoning the pull bar and complying with police orders. Instead, Murillo sprinted in the direction of a uniformed officer, Sigman, holding what the officers reasonably believed to be a machete. Murillo had already failed to follow Vege's prior commands a few minutes earlier, and he also failed to follow

Sigman's command to stop. Murillo continued to shorten the distance between himself and Sigman when Sigman and Montague fired their service weapons. Murillo only released his hold and dropped the pull bar as he was falling to the ground.

After the shooting, the item Murillo held in his hand while running at Sigman was identified as a metal tool and not a machete as reported by Vege. However, the officers' beliefs that the tool was a machete were reasonable under the circumstances, and the actual danger posed by a machete versus the metal tool does not change the self-defense analysis. Regardless of the officers' mistaken belief that the item was a machete, Murillo utilized the pull bar as a weapon likely to cause great bodily harm.

## **CONCLUSION**

We conclude that Officer Sigman's use of deadly force was legally justified in self-defense. We conclude that Officer Montague's use of deadly force was legally justified in the defense of others. We are closing our file and will take no further action in this matter.