

**Non-Fatal Officer Involved Shooting of
Juan Angel Marquez
Los Angeles County Sheriff's Department**

**Deputy Ernesto Hernandez, #506633
Deputy Joshua Corrales, #449750**

J.S.I.D. File #21-0535



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

May 30, 2024

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
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: Non-Fatal Officer Involved Shooting of Juan Angel Marquez
J.S.I.D. File #21-0535
L.A.S.D. File #021-13466-0494-055

DATE: May 30, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 15, 2021, non-fatal shooting of Juan Angel Marquez by Los Angeles County Sheriff's Deputies Ernesto Hernandez and Joshua Corrales. We have concluded that Deputy Corrales and Deputy Hernandez each reasonably believed their use of deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this shooting on December 15, 2021, at approximately 5:44 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Los Angeles County Sheriff's Department (LASD) Lieutenant Charles Calderaro.

The following analysis is based on reports, audio recordings of witness interviews, an audio recording of the shooting, photographs, search and arrest warrants and sketches received from the LASD Homicide Bureau on May 6, 2022, and October 24, 2023. SEB personnel were not equipped with body worn camera video. Multiple surveillance cameras affixed to the exterior of the house did not capture the shooting inside. The voluntary statements of Deputy Hernandez and Deputy Corrales were considered in this analysis.

INTRODUCTION

On December 15, 2021, at approximately 4:30 a.m., members of the LASD Special Enforcement Bureau (SEB) assisted the LASD Norwalk Detective Bureau with the service of a high-risk search warrant and arrest warrant for Marquez at his residence in the City of Whittier. Marquez was the suspect in an assault with a firearm. Deputy Lawrence Swanson Jr. removed the locked exterior metal security door. Deputy Robert Maas rammed the locked interior front door open. Maas looked inside and saw Marquez pointing a handgun at Maas from the kitchen area. Maas stepped back as Corrales and Hernandez moved in to cover the entry.

Hernandez leaned on the right side of the doorframe. Corrales was positioned a short distance behind and to the left of Hernandez. Marquez ran into the living room. Corrales and Hernandez saw Marquez raise the handgun and point it at Hernandez. Corrales fired one round from his MP5 submachine gun at Marquez that missed. Marquez ran back toward the kitchen and ducked behind the living room sofa which extended into the living room near the kitchen area. As Marquez ducked, Hernandez saw Marquez point the handgun at Hernandez's face. Hernandez fired two rounds at Marquez from his MP5 submachine gun. One round lodged in the wood frame of the couch backrest. The other round went through the backrest and struck Marquez in the forehead. Deputies found a 9mm Smith & Wesson M&P 9 Shield semiautomatic handgun next to Marquez who lay on his back in the kitchen. The handgun was registered to Marquez. Marquez was treated at UCI Medical Center for the gunshot wound and survived.¹

FACTUAL ANALYSIS

Marquez lived in the single-story house with [REDACTED]. The front of the home faced west with a narrow porch that ran from the northwest corner half-way across the front to the north facing front door. The northwest window belonged to [REDACTED] bedroom and the southwest window belonged to the living room.



Figure 1 – LASD picture shows the front of the home.

The entrance led directly into a rectangular shaped living room which flowed from west to east into a contiguous kitchen area. A large U-shaped sectional couch sat against the north living room wall that divided the house. The couch extended into the living room near the front door and kitchen. A lit porch light was adjacent to the entryway on the west porch wall. Two recessed lights were lit above the kitchen sink.

[REDACTED] were in the northwest bedroom. From the bedroom, a hallway entered directly into the living room just east of the couch, and also led to [REDACTED] bedroom in the northeast corner of the house. A laundry room to the rear of the kitchen led to Marquez's and [REDACTED] bedrooms east of the kitchen. [REDACTED] and [REDACTED] were asleep on the couch.

¹ Toxicology and medical reports were not presented.

The SEB entry team consisted of Sergeant Mario Castaneda and Deputies Lawrence Swanson Jr., Johnny Montenegro, Maas, Corrales and Hernandez. Additional containment was provided by Deputy Darrell Edwards who was positioned outside the living room window,² and Deputy Juan Rodriguez who was positioned on the porch by the bedroom window.

INTERVIEW OF DEPUTY JOSHUA CORRALES

On December 15, 2021, around 1:18 p.m., Detectives Carrillo and Machuca interviewed Corrales. The interview was audio recorded.

On December 13, 2021, LASD Norwalk Station Detective Randolph Meyers briefed the entry team regarding the facts underlying the signed search warrant and arrest warrant. Corrales told detectives that through the briefing he learned Marquez was the suspect in an assault with a deadly weapon that occurred on Halloween that year. The victim of the assault attempted to break up a fight at a Halloween party. The victim said Marquez pointed a gun at the victim and told the victim to leave them alone. Marquez walked away from the party with the handgun by his side. Additionally, during the briefing they were told that Marquez had ten registered firearms that consisted of eight handguns, a .22 caliber rifle and a .223 caliber rifle.³ They were also informed [REDACTED].

Corrales wore a tactical uniform with a green shirt, pants, helmet and tactical entry vest. “Sheriff” was displayed in all capital letters on the front, back and arms. Corrales was armed with a duty issued 9mm Heckler & Koch MP5 submachine gun.



Figure 2 - LASD picture shows Corrales’s uniform.

² Edwards told detectives a Christmas tree stood at the center of the living room window. Edwards was able to see the couch to the left of the tree. Edwards could see two people asleep on the couch with the ambient lighting.

³ A .22 caliber Heckler & Koch 416 semiautomatic rifle and a 5.56mm caliber Smith & Wesson M&P 15 Sport II semiautomatic rifle were found in Marquez’s bedroom. The rifles matched the two listed on Marquez’s Automated Firearms Registration. The 5.56mm M&P 15 is an AR-15-style rifle capable of firing both 5.56mm and .223 caliber cartridges.

Hernandez and Corrales went on the porch. A porch light next to the entry was on. Hernandez stood by the front door and Corrales moved a couple of chairs that were in the way of fully opening the security door. Corrales heard the knock and notice announcement which he described as normal. Corrales told detectives:

The abnormal part was when I saw a female [REDACTED] at the door and she would not open the door. She can see, again, the landing was lighted. There's the decorative glass window on the door and she was looking through that at me. I'm wearing a helmet, a vest, "Sheriff" patches and we're making announcements that it's the Sheriff's Department, we have a search warrant.

Corrales continued:

We're doing that, she's not opening the door. I at some point told her, 'It's the Sheriff's Department open the door. We have a search warrant. Open the door.' She's not opening the door. And some time goes by, it's obvious she's not, and the metal screen door was manually breached. It was opened by Deputy Swanson and now it's very apparent who we are. She can see. I can see her through the glass window and she's still not opening the door. I saw her looking at us through it, and then almost what appeared to be her talking to someone behind her, continuing to hold the door like— it looked like she was pushing the door closed. I mean we didn't try to breach it, we hadn't done anything. It looked like she was holding the door and then she'd come to the door. It kind of looked like she's holding it with two hands and then she'd look back and talk to whoever's in the living room with her.



Figure 3 – LASD picture shows the porch light and doorway.

From his position in front of the living room window, Edwards told the team that there was a runner going to the rear side of the house. Corrales told detectives, “At that point, I still continued to ask the lady to open the door. And she continued with the same action. To me it looked like she was giving someone plenty of [...] time to get away.” Corrales instructed Maas to ram the front wood door. ██████ tripped and landed on her buttocks. ██████ was in front of Corrales, closer to the south wall, on his knees with his hands raised.

Corrales was positioned five to six feet from the front door. Corrales covered the area in front of him and to the right of the door. Hernandez stood at the threshold and covered into the house to the left.

Corrales could see the hands of ██████ and ██████ and he heard more people. Corrales told detectives around 15 to 20 seconds after the breach, he saw Marquez “coming up with a [black handgun].” Corrales put his hands together in front of himself in a shooting stance to demonstrate for detectives.

Corrales told detectives, “[...] I see [Marquez] raise and point the gun towards what I believe is Deputy Hernandez. He’s pointing the gun at him, and at that point I’m at the low-ready, I come up, try to pick up my optic and I fire one round, toward [Marquez] who obviously stopped the threat.”

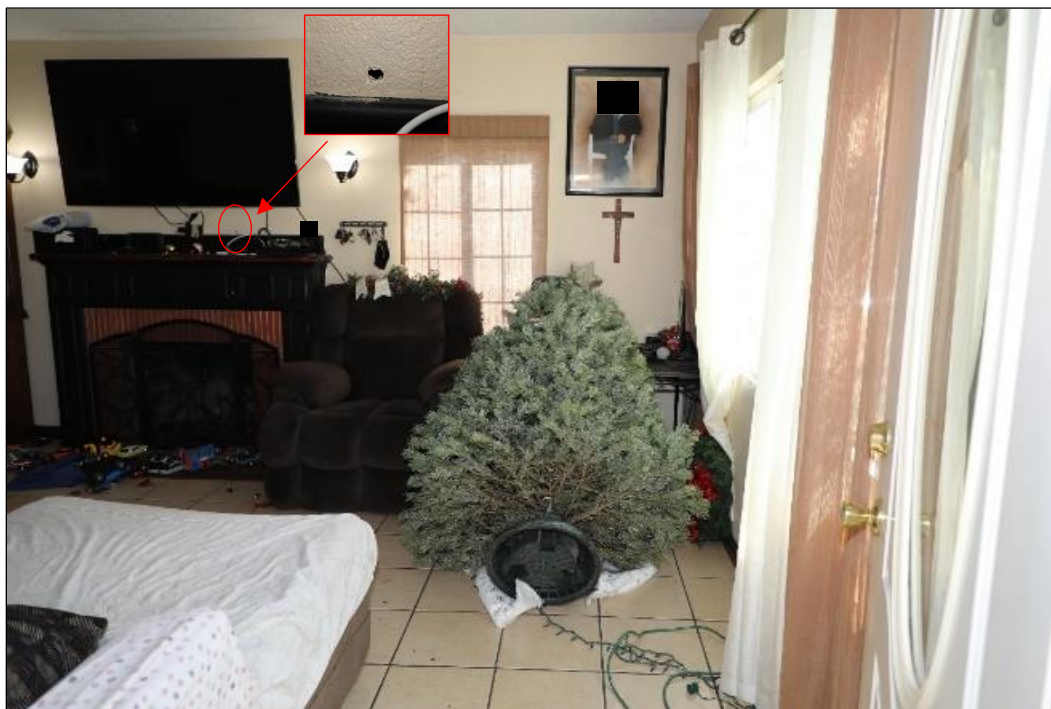


Figure 4 - LASD pictures shows the view from the front entry into the living room toward the south wall. A close-up of the bullet hole from Corrales’s round is inset.

Corrales continued, “As soon as the round went off, [Marquez] backed up. He went out of my view. He backed up and I no longer had him in my visual. Corrales looked over to Hernandez and Hernandez fired two additional shots “[a]lmost immediately.” Corrales could not see, but assumed the rounds were aimed at Marquez.

After entry was made, Corrales saw Marquez on his back in the living room and kitchen area with his hands out to the side. Corrales saw the handgun by Marquez’s right foot.

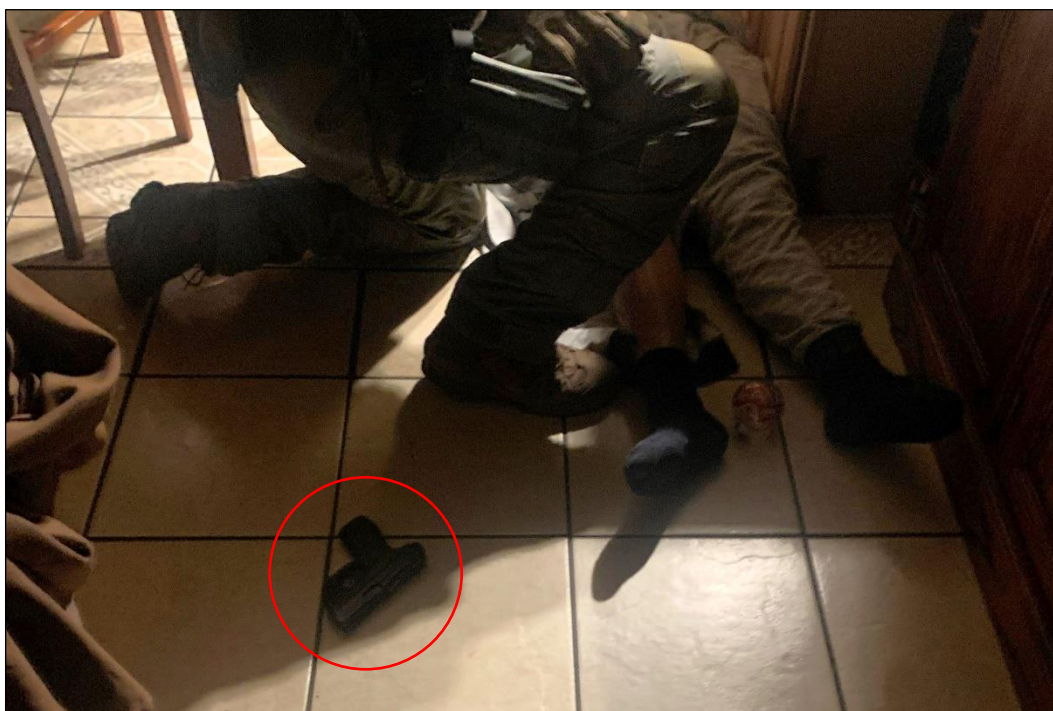


Figure 5 – LASD picture shows Marquez lying on the floor between the kitchen and living room with his 9mm handgun by his right foot as a deputy renders aid. Deputy Rodriguez took pictures of the handgun on the floor and then moved it to the kitchen table.

INTERVIEW OF DEPUTY ERNESTO HERNANDEZ

On December 15, 2021, around 5:32 a.m., Detectives Carrillo and Machuca interviewed Hernandez. The interview was audio recorded.

The Norwalk detective told them that the suspect, Marquez, was at a Halloween party on October 31st.⁴ The victim tried to stop a fight. Marquez went up to the victim and “points the gun at his head and tells him to stop.” Marquez walked out of the party with the gun by his side. Additionally, they were informed that Marquez had eight handguns and two rifles registered. Hernandez described the rifles to detectives as a “.22 AR-15” and a “proper AR-15 .223.”⁵

⁴ Hernandez did not specify, but we presume this was the same December 13, 2021 meeting with LASD Norwalk Station Detective Bureau Detective Randolph Meyers, referred to by Corrales.

⁵ See footnote 2.

Hernandez wore a tactical uniform consisting of a green shirt, pants, helmet and tactical entry vest. “Sheriff” was displayed in all capital letters on the front and back of the entry vest, and “Los Angeles County Sheriff” was displayed on each shoulder. Hernandez was armed with a duty issued 9mm Heckler & Koch MP5 submachine gun.



Figure 6 – LASD picture shows Hernandez’s uniform.

Hernandez told detectives he banged on the metal security door and said, “Sheriff’s Department! Search warrant! Open the door!” [REDACTED] approached the doors but did not open them. Swanson breached the security door and Maas approached with the ram. Hernandez told Maas to wait. Hernandez checked the interior wood door and found it was locked. Corrales told them to continue to wait and give the occupants more time to open the door. Edwards said he saw someone run to the rear of the house and gave commands, “Let me see your hands! Let me see your hands!”

The occupants continued to ignore commands. Maas breached the door. Hernandez told detectives that “at that point [REDACTED] kind of steps back, says something to somebody in there, then steps forward again, holds the door, but at that point Deputy Maas was already ramming the door, so it just hits the door, pops it open, pushes her back.”

Hernandez leaned against the right side of the threshold with Corrales offset a short distance behind him to the left. The interior was a “corner-fed room.” Hernandez told detectives:

I see three to four males in the living room, moving around, yelling. Then I see [Marquez] running up to us and I’m keeping an eye on everybody. I’m trying to keep an eye on everyone I see, and [...] I see him come up with his hand and [he] pushes his hand out and I see the black handgun. And when he pointed it at my face [...], I kind of cringe like, ‘Oh, sh—,’ I’m gonna get shot in the face and the chest, and I kinda hold, and I kinda lose him ‘cause of the edge.



Figure 7 – LASD picture shows living room and kitchen from near the entryway.

Hernandez heard a gunshot and then saw Marquez start to run towards the back of the house. Hernandez told detectives, “I’m tracking him. He’s not really posing a threat at that point, but I’m trying to track him, but I have people between me.”

Hernandez continued, “[Marquez] gets behind the couch. I see him get behind the couch, and as he’s ducking, he’s pointing the gun at me, and I fire a round. I a hundred percent know I fired one round and I know I see him hide behind, go behind the sofa and I see the handgun and I don’t, I don’t recall if I fired another round, but I know I remember feeling like I wanted to fire another round, but I don’t recall if I fired a second round or not.”

From the entryway, deputies commanded everyone out of the living room.⁶ Hernandez told detectives that he asked the last person out, “Where’s the gun?” and he replied, “It’s right next to him on the floor.”⁷

After the deputies made entry Hernandez saw Marquez lying on his back with “a wound to the face,” and the gun by his right hand.

⁶ ██████ entered the living room, then hid in ██████ bedroom. He was brought out later after deputies entered the house. He did not witness the shooting.

⁷ ██████ told detectives that he saw a pistol on the kitchen floor near Marquez’s right foot.



Figure 8 – LASD picture shows two bullet impacts in the couch marked with trajectory rods. The left rod marks the round that stopped in the couch frame. The right rod marks the round that exited the couch.

INTERVIEW OF DEPUTY ROBERT MAAS

On December 15, 2021, around 5:32 a.m., LASD Homicide Bureau Detectives Gustavo Carrillo and Daniel Machuca interviewed Maas. The interview was audio recorded.

Maas told detectives that at the time of the search warrant service he wore a tactical uniform of green over green pants and shirt, a tactical entry vest with “Sheriff” across the chest and back, and an entry helmet with Sheriff’s logo.⁸

Maas breached the interior door with one hit from the ram. Maas looked inside and saw Marquez already “standing there with a black weapon in his hands.” Marquez stood about five feet to the side and about ten to 15 feet away “beyond the couch area.” Maas was “completely focused on the gun.” Maas told detectives Marquez “appeared to have both his hands on the weapon, and it was above his waistline.”

Maas told detectives he said “gun” as he stepped back from the doorway and Corrales and Hernandez moved in. Maas heard a single gunshot followed by two other gunshots several seconds afterward. Maas did not know who fired. Once deputies were able to make entry into the house, Maas saw Marquez lying face up with his head toward the kitchen and his feet toward

⁸ A photograph was not taken of the uniform.

the living room window. Marquez's firearm lay about one and a half to two feet from his right foot.

Maas told detectives, "I was scared for my life. I thought I was gonna get—I thought either myself or somebody else in that door was gonna get shot."

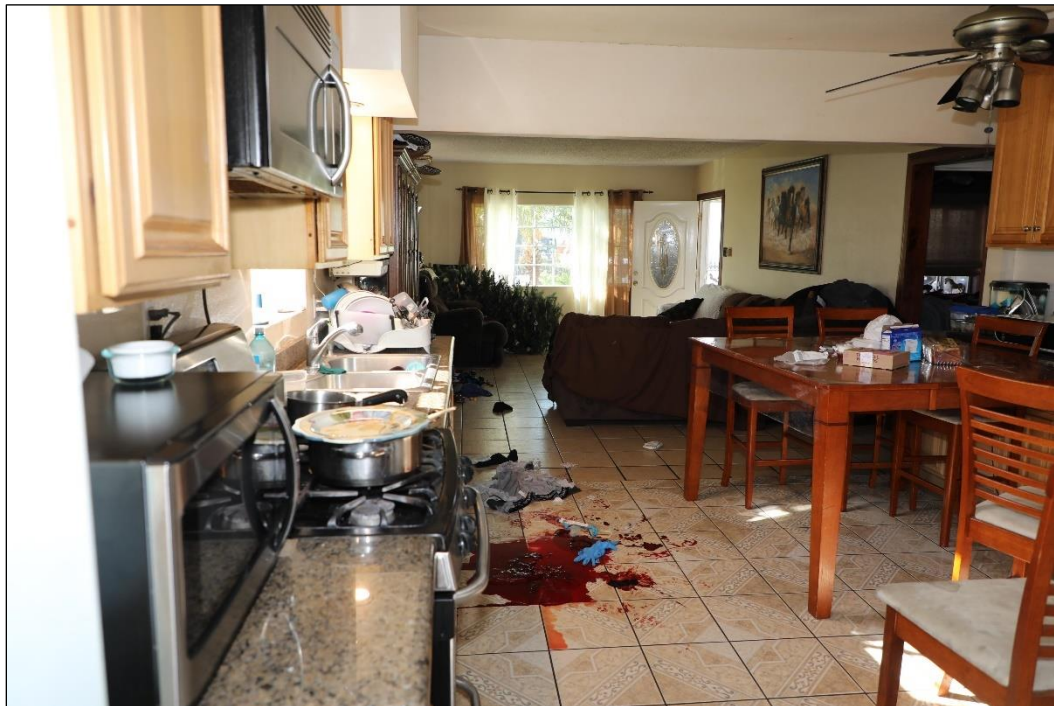


Figure 9 – LASD picture shows the view from the kitchen west toward the living room, entryway and front bedroom.

INTERVIEWS OF ██████████

On December 15, 2021, around 7:52 a.m. and 9:50 a.m., Detectives Carrillo and Machuca interviewed ██████████ Both interviews were audio recorded.

██████████ lived in the house with ██████████. His bedroom shared walls with the front porch and living room. That night ██████████ and ██████████ slept on the couch in the living room. The couch was in a U-shape. A television was centered across from the couch on the opposite wall above the fireplace. There was a Christmas tree at the center of the living room window. The interior front door had etched glass. ██████████ told detectives you could see "shadows and everything," through the window, but not faces.

██████████ woke up because he heard the metal security door. ██████████ immediately got up and went into the living room. ██████████ looked out the bedroom window and saw an officer wearing

green on the porch.⁹ ██████ then heard, "Sheriff's Department! Open the door! Open the door!"¹⁰

██████ went to the living room and saw ██████ struggling to open the top lock on the interior front door.¹¹ ██████ opened the door and fell onto the sectional. ██████ told detectives the "officers never came inside the house, they were just at the door." ██████ was by the television, ██████ was to his right, ██████ was to his right, and then Marquez came "right in back" of ██████. ██████ told investigators, "I just told him, 'Hands up.'" Marquez was "right in front of the TV," about 12 inches behind ██████.

██████ heard three gunshots, but at the time thought deputies fired rubber bullets or pepper balls. "Next thing you know, I mean, I just see [Marquez] fall back." Detectives asked if ██████ ever saw Marquez with his hands up in the air, ██████ replied, "Yeah, everybody had their hands up [...]." ██████ walked over to Marquez and saw Marquez was bleeding. ██████ did not see any weapons near Marquez and never saw Marquez with a firearm in his hands.

INTERVIEW OF ██████

On December 15, 2021, around 7:24 a.m., Detectives Carrillo and Machuca interviewed ██████. The interview was audio recorded.

██████ turned off the television in the living room "right before this happened." ██████ and ██████ were asleep on the couch. ██████ went back to bed but could not fall asleep. ██████ heard somebody forcing the metal security door. ██████ thought maybe one of her sons came home late without a key. ██████ went to the living room by the Christmas tree. ██████ heard someone try to break the living room window.¹² There was a lot of commotion. ██████ did not know it was the police. ██████ never heard anyone say it was a search warrant. ██████ thought it could be a robbery. ██████ told detectives, "I didn't open the door because I had to look [through the front door window] to make sure it was cops." When ██████ looked through the window, she saw that it was the police and unlocked the door "immediately." ██████ told detectives that the police "slammed the door" on her and she fell on the couch. After ██████ opened the door, the police said to put their hands up and it "was just hysterical." ██████ was right next to her with his hands up. ██████ did not see ██████ or the others. ██████ heard "a couple" gunshots, but she did not know Marquez had been shot.¹³ ██████ did not see Marquez or what was going on behind her.

AUDIO RECORDING

Audio of the entry and shooting was recorded by Sergeant Castaneda. The elapsed time from when Hernandez initially knocks on the metal security door until he fires his second round at Marquez is approximately 28 seconds.

⁹ Rodriguez was positioned outside the bedroom window.

¹⁰ ██████ also described the announcement as "Sheriff's Department! Search warrant!"

¹¹ ██████ told detectives that the "door jams sometimes."

¹² Edwards told detectives that he hit the living room window a few times.

¹³ ██████ told detectives the sound was more like a beanbag.

On the recording, four knocks on the exterior metal security door can be heard immediately followed by, “Sheriff’s Department! Search Warrant! Open the door!” For approximately 14 seconds deputies can be heard commanding everyone to put their hands up and open the door. A deputy can be heard saying there is “a runner” headed to the rear. More commands to open the door are given. Maas breaches the door and says, “Gun.”¹⁴

On the recording Corrales can be heard firing a round approximately five seconds after the door is breached. About two seconds later deputies are heard saying, “Sheriff!” followed by “Policia!” At the end of “Policia!” Hernandez can be heard firing his first and second rounds within a second of each other. Hernandez fired his first round approximately three and a half seconds after Corrales.

PHYSICAL EVIDENCE

Marquez’s 9mm Smith & Wesson M&P 9 Shield semiautomatic handgun was ready to fire. It had a loaded magazine, a 9mm cartridge in the chamber, the safety was off, and the slide was forward. The 9mm semiautomatic was one of the eight handguns registered to Marquez.

Three spent 9mm cartridge casings were found at the scene consistent with the statements of Hernandez and Corrales. One casing was located outside in the planter area to the left of the porch steps. One casing was located inside the living room under an electrical outlet on the west wall. One casing was found on the computer table in the southwest corner of the living room.

Three bullet holes were found at the scene. A single bullet hole was in the wall between the television set and fireplace mantle. The bullet was found inside the south wall. The couch dividing the living and dining areas closest to the kitchen area had two bullet holes in the backrest. The trajectory travelled downward in a southeast direction. A fired bullet was found lodged in the wood frame of the sectional backrest. The second bullet hole went completely through the back of the sectional and no bullet or fragment was located.

Detectives Carrillo and Machuca noted the porch light was on by the front door. Additionally, ██████ told the detectives that two recessed lights over the kitchen sink were on all the time.

The south wall along the living room and dining room measured 34 feet and ten inches long. The west facing living room wall measured 13 feet and four inches wide.

THE LAW

A peace officer may lawfully use deadly force 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

¹⁴ The voice is muffled.

bodily injury to another unless immediately apprehended. Penal Code section 835a(c)(1)(A) & (B).

“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 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). 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 section 835a(d).

ANALYSIS

Corrales and Hernandez were lawfully serving a signed search warrant and a signed arrest warrant for Marquez at the time of the shooting. They knew Marquez was the suspect in an assault with a firearm and that Marquez had eight registered handguns and two registered rifles.

Based on the length and width of the living and dining rooms, the couch backrest with the two bullet holes was approximately 16 feet from the front entry and the kitchen was approximately nineteen feet. The distance from the front entry to the center of the living room was approximately 11 feet.

The porch, living room and kitchen were lit by ambient light. Both [REDACTED] and [REDACTED] immediately knew it was law enforcement when they saw the deputies. Even if Marquez initially thought he was the victim of a home invasion robbery, as soon as Maas breached the interior front door, it is reasonable to conclude that Marquez also immediately realized it was the Sheriff’s Department. Instead of relinquishing his semiautomatic handgun and surrendering, Marquez ran into the living room closer to Corrales and Hernandez and confronted the deputies. Both Corrales and Hernandez saw Marquez intentionally raise the firearm towards Hernandez. Hernandez feared he would be shot in the face and the chest. Under these facts, it was reasonable for Corrales to fear for the life of Hernandez and fire a round at Marquez to stop an imminent threat to Hernandez’s life.

After Corrales fired a round at Marquez, a deputy shouted “Sheriff!” Yet Marquez did not surrender and instead retreated to a position of advantage and took cover behind the couch. For the second time in less than four seconds, Hernandez saw Marquez point the 9mm semiautomatic

handgun at Hernandez. Under these facts, it was reasonable for Hernandez to fear for his life a second time and fire two rounds at Marquez in rapid succession.

CONCLUSION

For the foregoing reasons, we find that Deputy Corrales reasonably believed his use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to Deputy Hernandez, and that Deputy Hernandez reasonably believed his use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to himself.