

**Fatal Officer Involved Shooting of Miguel Lopez
Los Angeles County Sheriff's Department**

Deputy Marc Elizondo, #501581

Deputy Edward Martinez, #506119

J.S.I.D. File #23-0023



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

June 5, 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: Fatal Officer Involved Shooting of Miguel Lopez
J.S.I.D. File #23-0023
L.A.S.D. File #023-01205-0250-013

DATE: June 5, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 26, 2023, fatal shooting of Miguel Lopez by Los Angeles County Sheriff's Department (LASD) Deputies Edward Martinez and Marc Elizondo.

We have concluded that the deputies acted reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend themselves and others against an imminent deadly threat.

The District Attorney's Command Center was notified of the shooting on January 26, 2023, at 7:12 a.m. The District Attorney's Response Team responded and was given a briefing and walk-through of the scene by LASD Homicide Bureau Lieutenant Hugo Reynaga.

The following analysis is based on radio traffic, body worn camera video (BWV), investigative reports, audio recordings and transcripts of witness interviews, and photographs submitted to this office by LASD Homicide Detectives Dean Camarillo and Matthew Landreth on August 8, 2023. The coroner report was received by this office on April 30, 2024.

FACTUAL ANALYSIS

The Ramey and Search Warrants

On October 24, 2022, a man was shot multiple times. LASD investigated that shooting and identified [REDACTED] as a suspect.

LASD detectives obtained a Ramey arrest warrant for [REDACTED] and a search warrant for her residence, which is where the deputy involved shooting of Miguel Lopez subsequently occurred. [REDACTED] is also Miguel Lopez's granddaughter.

On January 24, 2023, the Ramey and search warrants were authorized by a Los Angeles Superior Court Judge.

On January 26, 2023, at approximately 5:32 a.m., LASD deputies, who were uniformed and/or wearing raid jackets bearing LASD insignia, were serving those warrants at the subject residence when the deputy involved shooting of Miguel Lopez occurred.

Deputy David Perez’s Body Worn Video

The service of the warrants and the shooting were recorded on body worn videos from eight deputies, including Deputy David Perez, whose role was to conduct “knock notice” on the front door of the residence.

That video recorded Perez knocking on the front security screen of the residence and announcing the presence of the deputies, their intention to serve a search warrant, and a demand for the occupants to come to the door.

Lopez’s wife acknowledged and exited a side door of the residence. She indicated that the target of the warrants, [REDACTED], was not present in the home but Lopez was, along with two other people.

Lopez, who was agitated, eventually came to the front door but refused to open the front security screen and exit the location as ordered.

Perez announced again that they were deputies attempting to serve a search warrant and Lopez said, “I know! I hear you! Step back!”

The deputies were unable to coax Lopez from the residence and he eventually retreated into the interior of the residence and toward a side door where other deputies were positioned. A photograph of the deputies conversing with Lopez through the front security door of the residence is shown below:



Figure 1-Still Photo of BWV of Deputies Conversing with Lopez, Circled in Red, through the Front Security Door of the Residence.

Deputy Alejandro Ruiz's Body Worn Video

When Lopez retreated into the residence, he approached a side door where deputies Alejandro Ruiz, Marc Elizondo, and Edward Martinez were positioned.

Ruiz observed that Lopez was armed with a handgun pointed at the ceiling. Martinez, Elizondo, and Ruiz ordered Lopez to drop the gun.

Lopez yelled, "Get back! I'm coming out! Shoot me! Shoot me!"

Lopez pointed his gun at the deputies and grabbed Martinez's gun with his left hand. In response, Elizondo and Martinez fired nine rounds from their service weapons at Lopez, killing him.

A still photograph of BWV of Lopez approaching the side door of the residence and pointing his gun toward the ceiling is shown below:



Figure 2-Still Photo of BWV of Lopez, Circled in Red, Wielding a Gun in his Right Hand.

A still photograph of BWV of Lopez pointing his gun at deputies and grabbing Martinez's gun is shown below:



Figure 3-Still Photo of BWV of Lopez at the time of the shooting Pointing a gun at Martinez with his Right Hand and Grabbing Martinez's Gun with his Left Hand.

CIVILIAN WITNESS STATEMENTS

██████.'s Statement

██████ is Lopez's wife. She told investigators that she saw the deputies at her house and conversed with them. ██████ was escorted from the property and explained that Lopez and two other people were still inside the residence and another person with mental illness was sleeping on the front porch. ██████ L. explained that Lopez had a gun in the house, suffered from anxiety, had deep depression, never leaves the residence, refuses to take his medication, and becomes afraid when strangers go into the house. When ██████ was being escorted away from the residence by deputies, she heard gunshots.

██████.'s Statement

██████ is Lopez's grandson. He was asleep when he heard Lopez screaming. He thought the yelling was directed on Jonathan who resides on the front porch. He heard, "Shoot me! Shoot me! Shoot me!" and then gunshots. ██████ said Lopez is paranoid and does not leave the residence.

██████'s. Statement

██████ is Lopez's daughter. She was not present at the residence at the time of the shooting. She said Lopez battled anxiety and was trying to "cope" without medication.

SHOOTER DEPUTY STATEMENTS

Deputy Edward Martinez

Martinez provided a voluntary, audio recorded statement to investigators.

Martinez stated that he was assisting in the service of warrants at the location. Lopez was agitated and approached the side door of the residence with a gun in his right hand and pointing it toward the ceiling. Martinez yelled, "He has gun!"

Martinez ordered Lopez multiple times to put the gun down. Lopez did not comply and told the deputies to get away and walked toward the deputies while yelling, "Shoot me! Shoot me!"

Lopez closed the distance as Martinez yelled, "Put the gun down!" Lopez's arm came down to point the gun at Martinez as Lopez was yelling, "Shoot me!"

Martinez felt something touching his gun and heard a gunshot. Martinez believed that Lopez had fired his gun at the deputies.

Martinez fired at Lopez when he was one or two feet away and Lopez fell to the ground.

Deputy Marc Elizondo

Elizondo provided a voluntary, audio recorded statement to investigators.

Elizondo stated that he was assisting in the service of warrants at the location and was positioned at a side door with Martinez and Ruiz as other deputies were doing "call outs" and contacting Lopez at the front door.

Lopez would not open the front door. Lopez approached the side door, and Martinez sounded startled and yelled, "Let me see your hands!" Elizondo then saw Lopez with a gun in his right hand pointed at the ceiling.

Elizondo yelled, "Sheriff's Department! Drop that gun!" Lopez replied that he would not drop the gun and yelled, "Get back! Shoot me! Shoot me!"

Lopez walked toward Martinez and lowered the gun in the deputies' direction. Lopez was walking with purpose toward the deputies and, when he lowered the gun at the deputies, Martinez believed that the deputies were going to be shot.

When Lopez was almost on top of Martinez and within a couple of feet of Elizondo, Elizondo fired his service weapon at Lopez, who went down.

Lopez's Gun

Lopez was armed with a Smith and Wesson .357 magnum revolver loaded with six live cartridges, as shown in the photo below:



Figure 4-Photo of Lopez's Loaded .357 Magnum Revolver.

Coroner Evidence

On January 31, 2023, Deputy Medical Examiner Lawrence Nguyen, M.D. performed a postmortem examination of Lopez's remains and determined that he died from multiple gunshot wounds. There were six gunshot wounds including four to the chest and two to the left arm. A toxicology analysis was performed. Drugs and/or alcohol were not present in Lopez's bloodstream at the time of this death.

LEGAL ANALYSIS

The Law

A peace officer is justified in using 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 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).

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 section 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 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) and (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).

Analysis

There is compelling evidence in this case, including body worn video of the shooting, that Lopez was aware that deputies were attempting to coax him from the residence to conduct a search. Lopez, who suffers from mental illness, did not comply with the deputies’ commands to exit the residence peacefully and instead responded by arming himself with a loaded handgun and walking toward them, with purpose, while pointing a gun at them and yelling, “Shoot me!” Lopez ignored the deputies’ commands to drop the gun and, when he was within one or two feet of Martinez and Elizondo, they fired their service weapons at Lopez, killing him.

The evidence supports a reasonable belief by Martinez and Elizondo that it was necessary for them to fire their service weapons at Lopez to protect themselves and the other deputies from the imminent deadly threat of Lopez pointing a gun at them.

CONCLUSION

For the foregoing reasons, we find that the use of deadly force by Deputies Martinez and Elizondo was lawful and reasonable defense of themselves and others.