

**Fatal Officer Involved Shooting of Wendy Carolina Flores De Rogue
and Non-Fatal Officer Involved Shooting of Franklin Moran**

Los Angeles County Sheriff's Department

Deputy Jacob Dominguez #652767

J.S.I.D. File #21-0486



GEORGE GASCÓN
District Attorney

Justice System Integrity Division
June 7, 2024

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
Los Angeles County Sheriff's Department
Homicide Bureau
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Monterey Park, California 91755

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

SUBJECT: Fatal Officer Involved Shooting of Wendy Carolina Flores De Roque
and Non-Fatal Officer Involved Shooting of Franklin Moran
J.S.I.D. File #21-0486
L.A.S.D. File #021-15192-0242-013

DATE: June 7, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 12, 2021, fatal shooting of Wendy Carolina Flores De Roque and the non-fatal shooting of Franklin Moran by Los Angeles County Sheriff's Department (LASD) Deputy Jacob Dominguez. We have concluded that the use of deadly force by Deputy Dominguez was not unlawful.

The District Attorney's Command Center was notified at 5:45 a.m. on November 12, 2021, of the shooting. The District Attorney's Response Team responded and was briefed at the scene by Los Angeles County Sheriff's Department Lieutenant Derrick Alfred.

The following analyses are based upon investigative reports, recordings of interviews of civilian witnesses, communications by LASD dispatchers, security video, photographs taken by investigators, and the interview of Deputy Dominguez submitted on October 7, 2022.

FACTUAL ANALYSIS

The Shooting

The following factual description is based exclusively on audio and video recordings from deputy body worn cameras, security cameras at the location, 9-1-1 dispatch recordings, and LASD radio traffic recordings.

At 3:40 a.m. on November 12, 2021, the attendant at the Speedway Express gas station and convenience store, 5756 Whittier Boulevard, Commerce, called 9-1-1 reporting that a patron was attempting to ignite a fire at the gas pumps. Deputy Jacob Dominguez was the first, and only, deputy to arrive, at approximately 3:51 a.m.

When Deputy Dominguez arrived the gas hose from pump number one was on the ground with burnt debris near the nozzle. A Chevrolet Tahoe was parked between the gasoline pump islands and the convenience store, facing west. The driver's door was adjacent to the convenience store entrance. Ms. Flores De Roque was standing in the driver's door opening. Mr. Moran was standing near the Tahoe's left rear quarter panel. The rear hatch of the Tahoe was open.

Photograph 1 - Photo of pump #1 nozzle and burnt debris.



Deputy Dominguez stopped his patrol car behind (east of) the Tahoe. He remained in the car and ordered Mr. Moran to take his hands out of his pockets, walk toward the patrol car and place his hands on the hood. Mr. Moran did not comply. Deputy Dominguez got out of his patrol car and walked toward Mr. Moran.

As Deputy Dominguez approached, Mr. Moran stood facing north, his hands behind his head with his fingers interlaced, while Ms. Flores De Roque reached into the driver's seat area of the Tahoe.

Photograph 2 Mr. Moran and Ms. Flores De Roque as Deputy Dominguez approached Tahoe.



Deputy Dominguez went behind Mr. Moran and began to lower Mr. Moran's hands behind his back. Suddenly Mr. Moran turned toward Deputy Dominguez and reached toward Deputy Dominguez's waist, where his service revolver was holstered. As Deputy Dominguez pulled away, Mr. Moran pushed Deputy Dominguez backward. Ms. Flores De Roque joined Mr. Moran, immediately behind him, wielding what was subsequently found to be a folding knife with a five-inch blade.

Photograph 3 Deputy Dominguez backing away from Mr. Moran and Ms. Flores De Roque, who is wielding a knife.



The three of them struggled on the ground briefly until, at 3:51 a.m. and 49 seconds, the first of three successive gunshots was fired by Deputy Dominguez 61 seconds after his arrival.

Deputy Dominguez radioed immediately, “998 [the radio code for deputy-involved-shooting], 998! I’m stabbed! Two people are shot!”

Deputy Dominguez held Mr. Moran at gunpoint until responding deputies arrived.

When responding deputies arrived, Deputy Dominguez was holding Mr. Moran on the ground at gunpoint. Ms. Flores De Roque was lying next to them. Deputy Dominguez exclaimed, “Just two! Just two! They tried to stab me. They tried to grab my gun. He got on top of me! [Unintelligible]! I shot ‘em!” Deputy Dominguez was bleeding from a laceration between the bridge of his nose and his left eye.

Photograph 4 Deputy Dominguez holding Mr. Moran, next to Ms. Flores De Roque.



Arriving deputies immediately began to render emergency assistance to Ms. Flores De Roque and Mr. Moran, and continued to do so until Los Angeles County emergency medical technicians (EMTs) arrived at approximately 3:57 a.m.

[EMTs declared Ms. Flores De Roque dead at the scene. Mr. Moran was treated and taken to Los Angeles General Medical Center (formerly LAC+USC Medical Center).]

Evidence

Arriving deputies recovered a Smith and Wesson .38 (caliber) revolver at the scene. This was later identified by investigators as Deputy Dominguez’s backup firearm. Firearms examiners determined that three shots had been fired by this firearm.

Investigators also took into evidence Deputy Dominguez’s service weapon, a Smith and Wesson M&P pistol. Firearms examiners determined that no shots had been fired by this firearm. Tests of DNA samples taken from this firearm’s grip and trigger guard indicated Mr. Moran and Ms. Flores De Roque were likely contributors.

Deputy Dominguez was transported to Saint Francis Medical Center. There he was treated in the emergency room for multiple wounds to his head and neck, including a stab wound to his face between the bridge of his nose and his left eye. This latter wound required three stitches.

Los Angeles County Medical Examiner-Coroner investigators recovered from beneath the hood of Ms. Flores De Roque’s sweatshirt a folding knife. The blade was five inches long and was locked in the open position.

The deputy medical examiner conducted an autopsy on Ms. Flores De Roque and determined that the cause of her death was single gunshot wound to her head. The Medical Examiner-Coroner's toxicology analysis found the presence of amphetamines and methamphetamine in Ms. Flores De Roque's blood.

Interviews

The gas station attendant was interviewed by investigators. The attendant did not see the shooting but did observe Mr. Moran's initial resistance and the beginning of the struggle between Deputy Dominguez and Mr. Moran and Ms. Flores De Roque. The attendant saw a shiny or white object in Ms. Flores De Roque's hand during the struggle.

Deputy Dominguez provided a non-compelled statement to investigators. He stated that Mr. Moran reached for his service firearm and that during the ensuing struggle, he felt Ms. Flores De Roque strike him multiple times with the knife. He thought he was being stabbed. He deliberately fell to the ground in order to provide an opportunity for him to retrieve his backup firearm. When he fell, Mr. Moran and Ms. Flores De Roque got on top of him. He retrieved his backup firearm and fired three shots at Mr. Moran and Ms. Flores De Roque. He identified the recovered Smith and Wesson .38 caliber revolver as his backup weapon.

Investigators interviewed Mr. Moran. He stated that he and Ms. Flores De Roque had smoked crystal methamphetamine earlier. He believed that people were trying to kill him, so he lit the fires so the fire department would come and protect him. He believed that Deputy Dominguez was not a real police officer and was trying to kill him. He tried to take Deputy Dominguez's gun in order to calm Deputy Dominguez down. Ms. Flores De Roque possibly wielded a knife because she, too, believed Deputy Dominguez was going to kill Mr. Moran

LEGAL ANALYSIS

The Law

California statutes provide that the use of deadly force is justifiable when committed by a public officer when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person.¹

When the issue of justification is raised by the evidence the People have the burden of proving beyond a reasonable doubt that the homicide was not justifiable.²

The issue of justification is raised by the legally relevant evidence in this case. The video recording depicts Mr. Moran and an armed Ms. Flores De Roque acting in concert to assault Deputy Dominguez.

¹ Penal Code sections 196, 835a.

² Penal Code section 189.5; *People v. Moye* (2009) 47 Cal.4th 537; *People v. Banks* (1976) 67 Cal.App.3d 379, 384.

Analysis

When Deputy Dominguez arrived at the Speedway Express, there was evidence that an attempt had been made to light a gasoline fire. The only people visible in the immediate area were Mr. Moran and Ms. Flores De Roque. These facts, in conjunction with the nature of the 9-1-1 call, were sufficient for Deputy Dominguez to attempt to detain Mr. Moran and Ms. Flores De Roque pending further investigation.

When Deputy Dominguez attempted to detain Mr. Moran, Mr. Moran and Ms. Flores De Roque attacked Deputy Dominguez. While Mr. Moran was attempting to obtain Deputy Dominguez's firearm, Ms. Flores De Roque was armed with a knife and began stabbing at Deputy Dominguez.

The evidence supports Deputy Dominguez's stated belief that he would be killed or injured by Mr. Moran. Under these circumstances, Deputy Dominguez could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury, within the meaning of Penal Code section 835a.

CONCLUSION

The direct and the circumstantial evidence here and the inferences which can be drawn from that evidence demonstrate the use of deadly force by Deputy Dominguez was not unlawful.