

**Fatal Officer Involved Shooting of Jonathan Murillo-Nix  
Los Angeles Police Department**

**Officer Jesus Martinez, #37593,  
Officer Kyle Griffin, #42066**

**J.S.I.D. File #22-0027**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**June 21, 2023**

**MEMORANDUM**

TO: CAPTAIN RICH GABALDON  
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: Fatal Officer Involved Shooting of Jonathan Murillo-Nix  
J.S.I.D. File #22-0027  
F.I.D. File #F004-22

DATE: June 21, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the February 1, 2022, fatal shooting of Jonathan Murillo-Nix by Los Angeles Police Department (LAPD) Officers Kyle Griffin and Jesus Martinez. We conclude Officer Griffin acted in lawful self-defense at the time he fired his weapon, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat. Based on similar considerations, we conclude Officer Martinez's first two shots were justified. With respect to his third shot, we conclude there is insufficient evidence to prove that he did not fire his weapon in lawful-self defense.

The District Attorney's Command Center was notified of this shooting on February 1, 2022, at approximately 4:40 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through by LAPD personnel.

The following analysis is based on body worn camera video (BWV), witness statements, and reports. The involved officers did not provide voluntary statements, and their compelled statements, if any exist, were not considered. These materials were submitted to this office by the LAPD Force Investigation Division.

**INTRODUCTION**

On February 1, 2022, 9-1-1 dispatchers received two calls, around 2:15 a.m., reporting that a man, later identified as Murillo-Nix, was armed with knives attempting and threatening to attack his family members inside a Pacoima residence. Several uniformed LAPD units responded to the location. Officers evacuated the family members from the residence, leaving Murillo-Nix inside. Officers surrounded the residence and attempted for 65 minutes to convince Murillo-Nix to surrender peacefully. Through windows, they saw Murillo-Nix inside armed with a knife in each hand.

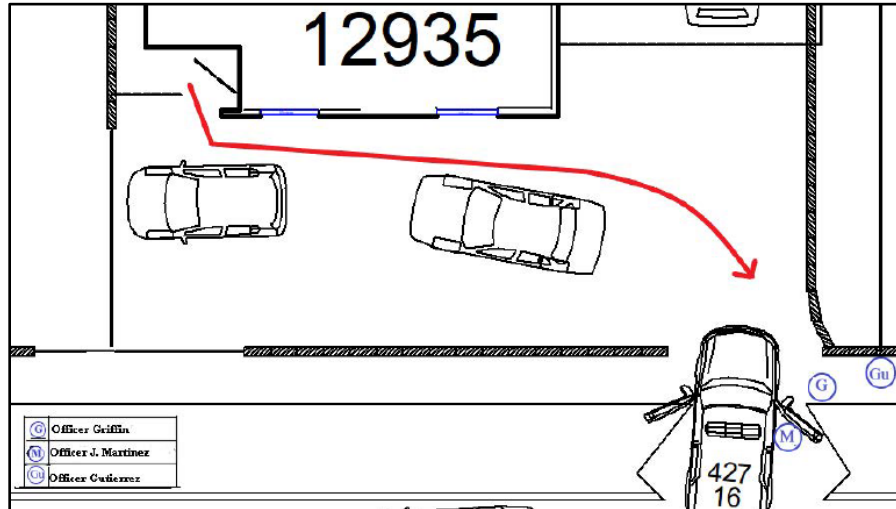
Murillo-Nix ran out of a door into the backyard of the residence holding a knife in each hand, according to officers' statements. One officer shot him with a 40 mm foam projectile, causing Murillo-Nix to drop one knife. Still holding the other knife, Murillo-Nix continued running toward the front yard, where Officers Martinez, Griffin, and Gutierrez were positioned on the passenger side of a patrol car parked in the driveway of the residence. Martinez and Griffin were armed with duty pistols, Gutierrez with a less lethal beanbag shotgun. Murillo-Nix ran through a gate leading to the front yard. According to BWV, Gutierrez fired three less-lethal bean bag shotgun rounds. Murillo-Nix continued to sprint at the officers. Griffin fired four rounds, from a distance of seven to ten feet. Martinez fired two rounds from a distance of four to five feet, and, less than one second later, a final round after Murillo-Nix fell on his back, next to the patrol car's passenger door, at Martinez's feet.

According to Gutierrez, Murillo-Nix held a knife as he ran toward the officers. Investigators later recovered a damaged steak knife in the front yard of the neighboring property. The purple plastic handle had broken off. Shards of matching pieces of purple plastic were littered throughout the driveway and front yard of Murillo-Nix's residence. Investigators collected the shards and confirmed they were the broken pieces of the knife handle.

Murillo-Nix was transported to the hospital and pronounced dead at 3:57 a.m. He suffered six gunshot wounds, including through the right hand and a fatal wound to the chest.



*Figure 1: Murillo-Nix's knife, apparently damaged by gunfire.*



*Figure 2: Diagram showing Murillo-Nix's path of travel (red line) toward officers in driveway of residence.*

## FACTUAL ANALYSIS

### 9-1-1 Calls and Dispatch Records

On February 1, 2022, at 2:14 a.m., a man identifying himself as Murillo-Nix's brother called 9-1-1 and reported that Murillo-Nix was acting "crazy," trying to "attack" his dad with knives. One minute later, at 2:15 a.m., a second man called from the same location and told dispatchers, "Our stepson is with knives, said he's trying to kill everybody here at home." The man said that Murillo-Nix was "drunk" and armed with a knife.

Dispatcher comments noted: "suspect brother ... armed with knife attempting to attack family members... unknown if mental illness."

### BWV

BWV footage shows officers arrive and evacuate family members through the windows at the front of the house. Officers later take positions around the property, including behind a neighbor's block wall that runs from the front to the back of the property, forming its western perimeter. From this vantage, peering into the backyard, according to audio footage, officers discuss seeing Murillo-Nix inside the residence holding a knife in each hand. Officers can be heard attempting to speak with Murillo-Nix, including by use of a patrol car P.A. system. For approximately one hour, they tell him that they want to help him and ask him repeatedly to come out unarmed. Murillo-Nix ignores the officers.

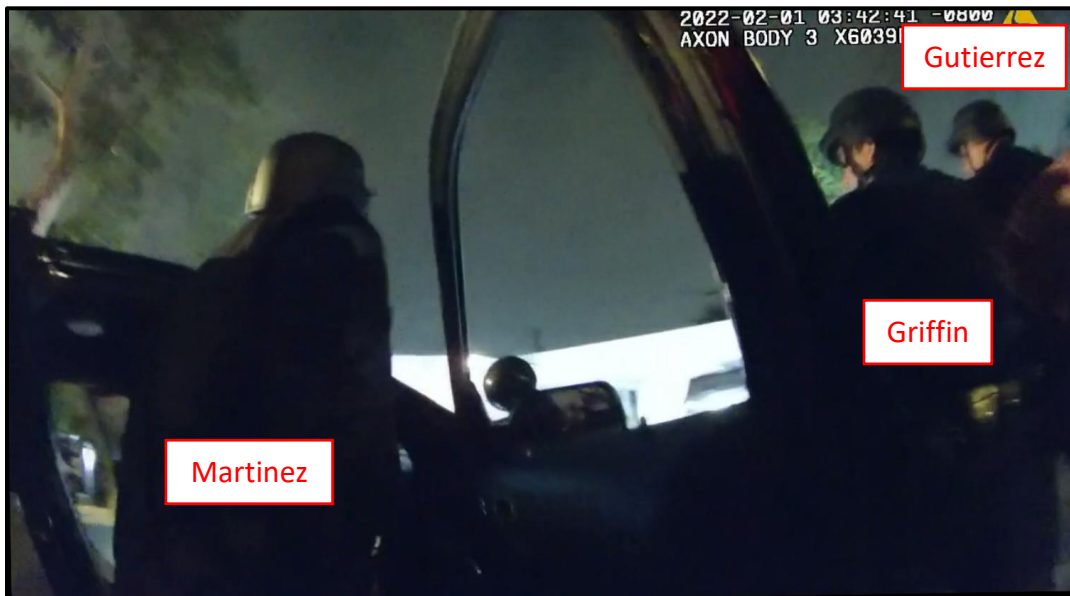
Although not visible in the footage because obscured by the block wall, Murillo-Nix can be heard running out of a door into his backyard. An officer fires a 40 mm foam projectile as officers positioned along the wall are heard broadcasting that Murillo-Nix is "headed to the front."

Griffin stood next to the open passenger door of a patrol car parked in the residence driveway. To his left stood Martinez, behind the open passenger door. To his right stood Gutierrez, armed with the beanbag rifle. Only Griffin's BWV captured an unobstructed view of Murillo-Nix at the moment officers fired. Murillo-Nix is mostly hidden from view by parked cars as he first enters the front yard and runs toward the driveway, where the officers are positioned.

In footage from Martinez, Griffin, and Gutierrez's BWV, Murillo-Nix, not yet in view, is heard running through a metal gate leading from the backyard to the front driveway. Gutierrez fires three beanbags in about four seconds, according to sound analysis of the footage. Murillo-Nix runs toward the patrol car, between the house and two parked cars. He comes into view a few feet in front of the patrol car and appears to be sprinting toward the officers. A knife cannot be seen in the footage, but Murillo-Nix has his right hand tucked close to his abdomen as he runs.

After Murillo-Nix closes to within seven to ten feet of the officers, Griffin rapidly fires four rounds. During Griffin's volley, Martinez draws his pistol and fires two rounds at an estimated distance of four to five feet from Murillo-Nix. Murillo-Nix, apparently struck, hunches, rotates away, and falls head first on his back toward the officers. His forward momentum carries him to the passenger door of the patrol car, which he collides with and causes to close as he falls to the ground. Meanwhile, Martinez steps back out of the door well and fires a final round at Murillo-Nix, just after he fell and was laying on his back. This final shot occurs less than one second after Martinez's previous two shots and less than one second after Murillo-Nix came to rest on his back. The officers did not initially find the purple handled knife, until, hours later, investigators found it sticking in the ground in the neighboring yard.

According to sound analysis of the footage, the officers fired their seven rounds in less than one and one half seconds. Griffin fired his first shot about two and one half seconds after Murillo-Nix entered the front yard and less than nine seconds after Murillo-Nix was struck with the 40 mm projectile, in the backyard.



*Figure 1: BWV still; Officers' positions just before incident.*



*Figure 2: BWV still; Murillo-Nix running toward officers.*



*Figure 3: BWV still; Murillo-Nix (circled) falls on his back head first next to patrol car door after being struck by gunfire. (Martinez is out of view near the passenger side of the car.)*

## Statements

The only witnesses to the incident were officers. The family members were sheltering down the block at the time of the shooting. Officers Eduardo Piche and Eric Schlesinger were peering over the block wall into the backyard when Murillo-Nix ran out of the house. Piche said he saw him holding a knife in each hand; one was longer with a black handle; the other had a purple handle. Schlesinger said he fired a 40 mm foam projectile at Murillo-Nix, appearing to hit him in the abdomen and “dropping” him to the ground momentarily.

Murillo-Nix regained his footing and continued toward the front yard. Gutierrez, positioned in the front yard, said he heard over the radio that Murillo-Nix was running toward them holding two knives, then saw Murillo-Nix “sprinting” toward him and other officers holding a knife in his right hand just before officers opened fire. Officer Nicholas Knolls was standing behind the involved officers. He said he saw a “metallic” object in Murillo-Nix’s hand as he ran toward them.

## Physical Evidence

Investigators recovered from the scene a purple-handled steak knife, apparently struck by gunfire. Fragments of its plastic handle were spread throughout the front of the residence. The blade was stuck into the lawn of a neighboring property. Investigators reassembled the knife and photographed it. A second knife was found in the backyard, apparently dropped by Murillo-Nix when he was hit with the 40 mm projectile.



*Figure 4: Knife (circled) recovered from neighboring yard.*



*Figure 5: Closeup of knife, with damaged handle.*



*Figure 6: Knife Murillo-Nix dropped in backyard after struck by foam projectile.*

Martinez and Griffin were armed with duty 9 mm pistols. Based on post incident examinations of their weapons, casings recovered at scene, and BWV footage, Griffin fired four rounds during the incident and Martinez fired three.

### Autopsy

On February 5, 2022, Los Angeles County Deputy Medical Examiner Dr. Juan Carrillo performed an autopsy of Murillo-Nix's remains. Dr. Carrillo ascribed the cause of death to multiple gunshot wounds. Carrillo suffered six gunshot wounds. In no particular order, gunshot number one entered the left upper chest, traveled front to back, left to right, and lacerated the spinal cord. Gunshot number two traveled through the right forearm then entered the abdomen, piercing the small bowel, colon, and diaphragm, traveling back to front, and right to left. It was potentially fatal.



Gunshot wound number three entered and exited the right hand, traveled back to front, and right to left. Gunshot wound number four struck the left elbow. Gunshot wound number five entered the right upper back, traveled back to front, and right to left, piercing the upper lobe of the right lung, the trachea, and the heart, and exited the left chest cavity. It was “rapidly fatal.” Gunshot wound number six entered the right hip, traveled back to front, right to left, and lodged in the right ilium bone. Toxicology testing revealed the presence marijuana and alcohol in Murillo-Nix’s bloodstream.

## **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 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).

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) & (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).

## **LEGAL ANALYSIS**

Officers responded to the scene based on reports that Murillo-Nix was trying to attack family members with knives. After evacuating the house, leaving Murillo-Nix inside, officers surrounded the residence. Officers were equipped with lethal and less lethal weapons. For over an hour, they attempted without success to convince Murillo-Nix to surrender peacefully. He ignored them and, instead, suddenly came running into the backyard, holding a knife in each hand. Officers positioned to the rear saw him with the knives and attempted to disarm him by firing one 40 mm projectile. The foam round, according to officer statements, struck Murillo-

Nix's abdomen and momentarily knocked him to the ground. (It also evidently knocked one of the two knives from his hands.) Despite this, Murillo-Nix rose and continued running toward several officers positioned in the front of the residence, including Martinez, Griffin, and Gutierrez.

Gutierrez rapidly fired three beanbag rounds at Murillo-Nix after seeing him enter the front yard, he stated, holding a knife in his right hand. The beanbag rounds failed to disarm or stop Murillo-Nix. BWV footage shows him sprint toward the officers' position with his right hand tucked close to his abdomen, although the knife is not visible in the footage. According to analysis of the footage, he closed to within seven to ten feet before Griffin and Martinez opened fire. Murillo-Nix fell just feet from Martinez's location, next to the patrol car passenger door.

Based on the gunshot through Murillo-Nix's right hand, the damaged blade later found stuck into the ground in the neighboring yard, and the pieces of the purple knife handle strewn throughout the front yard of the residence, it appears that officers shot the knife out of Murillo-Nix's hand as he charged toward them.

Given the totality of the circumstances known to the officers at the time, after Murillo-Nix ran to within seven feet of Griffin and Martinez, armed with a knife, undeterred by multiple less lethal projectiles, it was reasonable for Griffin and Martinez to believe that he posed an imminent deadly threat and to respond with deadly force.

With respect to Martinez's final shot, although Murillo-Nix had fallen to the ground, Martinez fired the shot a mere fraction of a second after Murillo-Nix fell. Moreover, Murillo-Nix had just sprinted nearly within striking distance of Martinez while holding a knife. Under these circumstances, considering that Martinez was forced to make a quick judgment about using force, there is insufficient evidence to prove beyond a reasonable doubt that Martinez did not reasonable perceive an ongoing threat according to the facts perceived by him at the time.

## **CONCLUSION**

For the foregoing reasons, we find that Officer Griffin acted lawfully in self-defense when he used deadly force against Murillo-Nix. We find, along similar lines, that Officer Martinez acted lawfully in self-defense when he fired his first two shots. With respect to his third shot, we find insufficient evidence to prove beyond a reasonable doubt that it was not fired lawfully in self-defense.