

**Fatal Officer Involved Shooting of Tony Lugo and
Non-Fatal Shooting at Ranfere Pina
California Highway Patrol and Los Angeles County Sheriff's
Department**

**Officer Erik Davis, #21851
Deputy Joshua Mejia, #462487
Deputy Christopher McDonald, #641043**

J.S.I.D. File #20-0220



GEORGE GASCÓN
District Attorney
Justice System Integrity Division
July 26, 2022

MEMORANDUM

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

SUBJECT: Fatal Officer Involved Shooting of Tony Lugo and Non-Fatal Shooting at
Ranfere Pina
J.S.I.D. File #20-0220
C.H.P. File #F202000717
L.A.S.D. File #020-07976-2608-013

DATE: July 26, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney’s Office has completed its review of the June 12, 2020, fatal shooting of Tony Lugo by Los Angeles County Sheriff’s Department (LASD) Deputies Joshua Mejia and Christopher McDonald and California Highway Patrol (CHP) Officer Erik Davis, and the non-fatal shooting at Ranfere Pina by Deputies Mejia and McDonald. We have concluded that Deputies Mejia and McDonald and Officer Davis acted lawfully in self-defense and in defense of others.

The District Attorney’s Command Center was notified of the shooting on June 12, 2020, at 10:45 p.m. The District Attorney Response Team responded to the location and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, audio recordings of interviews, ballistics reports, DNA analysis reports, the autopsy report, crime scene diagrams, photographic evidence, and witness statements submitted to this office by LASD Detective Gordon Lukehart and Sergeant Domenick Recchia. The preliminary hearing transcripts in case MA079144 were reviewed. The voluntary statements of the officers were considered in this analysis.

FACTUAL ANALYSIS

On June 12, 2020, at approximately 4:14 p.m., three men, one of them armed with a rifle or shotgun, carjacked a blue Dodge Charger in the City of South Gate. The stolen Charger was equipped with XM Satellite Radio (XM). At approximately 8:35 p.m., an XM representative

informed the South Gate Police Department that the Charger was traveling northbound on the Antelope Valley Freeway (14 Freeway) at approximately 100 m.p.h. CHP was notified, and a vehicle pursuit ensued.

As the Charger traveled north toward the City of Palmdale, CHP requested LASD Palmdale Station deputies assist in the pursuit. Dispatch advised deputies that the car was taken during an armed carjacking and that the driver may be armed with a handgun and the passenger with a rifle. The Charger exited the 14 Freeway at Palmdale Boulevard and traveled east, exceeding the speed limit and committing traffic violations.

Multiple CHP and LASD units were involved in the pursuit, including Mejia and McDonald. Mejia and McDonald were dressed in distinctive LASD uniforms and traveled together in a marked black and white patrol vehicle. Davis was also engaged in the pursuit. He wore a distinctive CHP uniform and traveled alone in a marked black and white patrol vehicle. Neither LASD nor CHP provided their personnel with body worn video (BWV) at the time of this incident. Mejia was wearing a personal BWV during the shooting but told investigators it was not activated at the time.¹

The Charger collided with another vehicle at the intersection of Palmdale Boulevard and 20th Street East, and the pursuit ended. Three men exited the Charger, later identified as Ranfere Pina, Tony Lugo, and Anthony Cardozo. Cardozo exited the vehicle with a shotgun in his hands.² The men ran southeast, through the intersection, down an embankment, and into a 99 Cents Only store parking lot.

Davis parked his patrol vehicle near the east curb of 20th Street East, drew his duty weapon, and began chasing Cardozo. As Cardozo ran down the embankment and entered the parking lot, he tripped and fell, dropping the shotgun he was carrying. Cardozo got back on his feet and continued to run east, leaving the shotgun on the ground. Davis continued chasing Cardozo.

Simultaneously, McDonald parked his vehicle on the south curb of Palmdale Boulevard, just east of the intersection of 20th Street East. Mejia exited the patrol vehicle carrying an LASD issued rifle, and McDonald exited and drew his duty weapon. Mejia ran slightly in front of McDonald as both deputies ran south toward the parking lot. As they ran toward Pina, both deputies noticed he kept both hands in his waistband. According to Mejia, he yelled that Pina was “going for his waistband!” Mejia also yelled, “Stop!” and “Let me see your hands!”

¹ The officer-involved shooting was not captured on video.

² Officer, deputy, and witness accounts vary as to whether Pina and Lugo were holding handguns at this time.

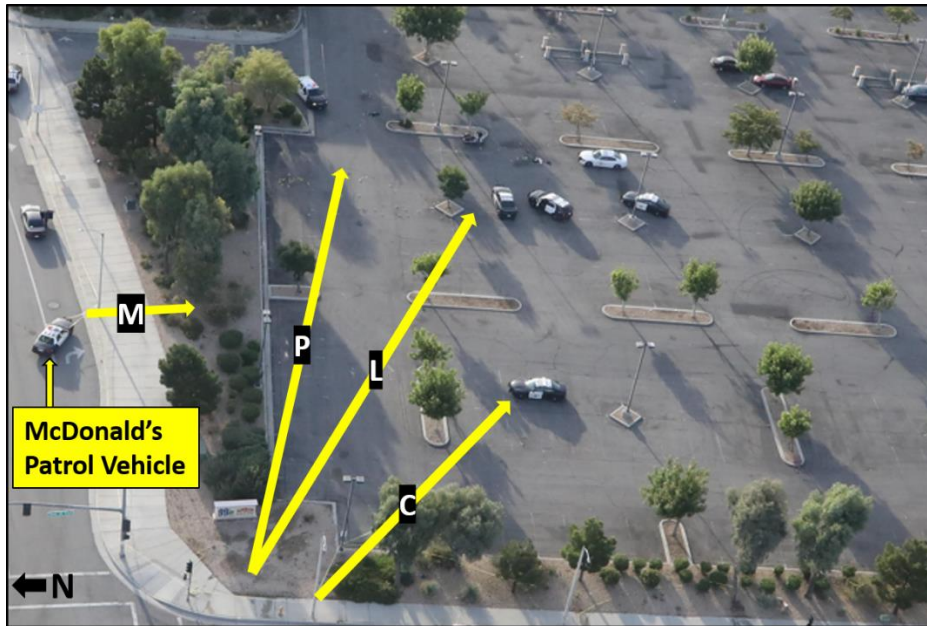


Figure 1 – Photograph of the embankment and large 99 Cents Only store parking lot. The approximate paths of Pina (P), Lugo (L), Cardozo (C), and Mejia and McDonald (M) are labeled.³

As Mejia and McDonald reached the parking lot, they noticed Pina had a firearm in his right hand. Pina continued running east slightly ahead of the deputies as he turned his upper body and head to his left, back at Mejia. According to the deputies, Pina aimed his handgun over his left shoulder and at Mejia.⁴ At that time, Mejia and McDonald fired multiple rounds from their weapons at Pina. Pina was not struck by any of the shots fired, but immediately dropped his firearm and fell to the ground. Simultaneous to the shots fired, Cardozo also got on the ground and surrendered.

Lugo, who was slightly south of Pina, stopped running, turned, and took a sideways firing stance as he fired multiple rounds from a handgun toward Mejia.⁵ Mejia, McDonald, and Davis responded by firing multiple rounds from their weapons at Lugo, striking him numerous times. According to Mejia and McDonald, Lugo continued pointing his firearm at Mejia as he fell to the ground. Mejia and McDonald stated they believed Lugo was still firing or attempting to fire at Mejia at that time, so they both continued to discharge their weapons at Lugo. Lugo stopped moving, and McDonald repeatedly yelled, “Let me see your hands!” Lugo did not respond, and McDonald approached him, picked up the handgun, and threw it out of reach.⁶ McDonald handcuffed Lugo, and a CHP officer began rendering medical aid. Simultaneously, Mejia arrested Pina, and Davis arrested Cardozo.

³ The estimated entry points and paths of the involved parties are based on Mejia, McDonald, and Davis’ statements and the physical evidence. The precise entry points and routes are unknown.

⁴ Both Mejia and McDonald stated that Pina fired multiple shots toward Mejia at this time. However, no discharged cartridge casings were located. At the preliminary hearing, Mejia stated he continues to believe Pina shot at him despite the lack of cartridge casings at the scene. McDonald did not testify at the preliminary hearing.

⁵ Mejia and McDonald did not see Lugo draw the firearm.

⁶ A CHP officer recovered Lugo’s firearm and secured it in a patrol vehicle.

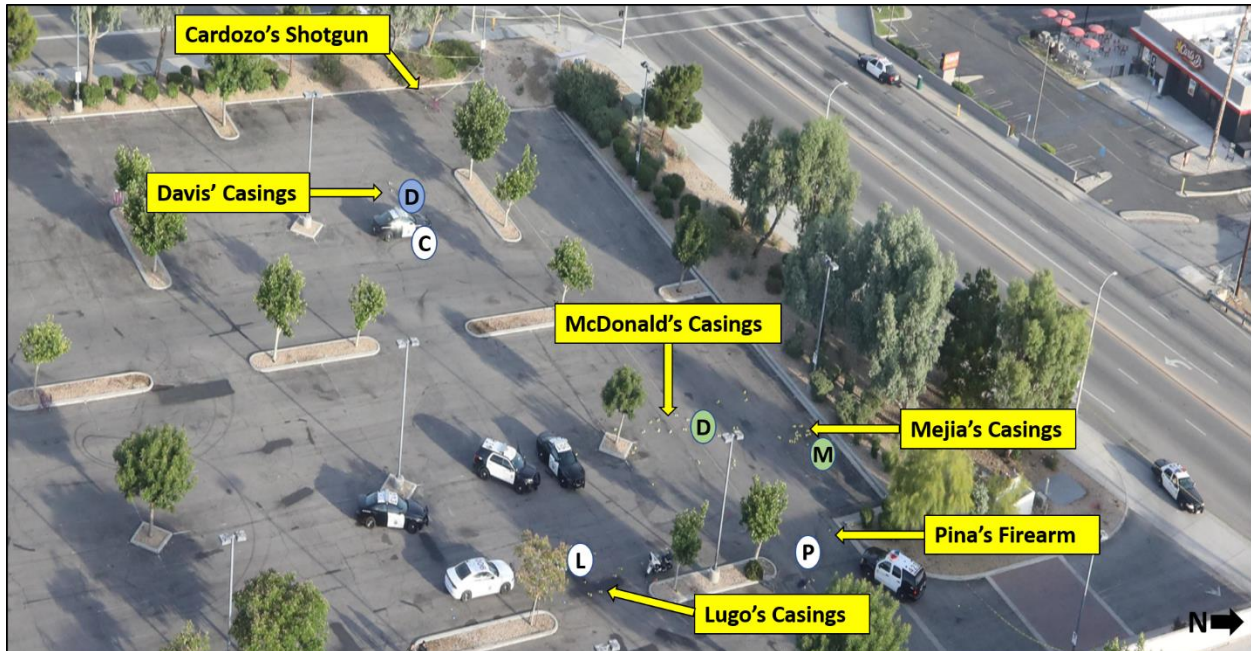


Figure 2 – The approximate locations of Mejia (green M), McDonald (green D), Davis (blue D), Cardozo (white C), Pina (white P), and Lugo (white L) when shots were fired.⁷ The location of physical evidence is also labeled.

Lugo was transported to the Antelope Valley Hospital and was pronounced dead by Dr. Chris Samuel on June 13, 2020, at 8:22 a.m.

Pina and Cardozo invoked their right to remain silent and were not interviewed. On June 16, 2020, Pina and Cardozo were charged in case MA079144 with multiple felony counts, including assault on a peace officer with a semiautomatic firearm in violation of Penal Code section 245(d)(2) and carjacking in violation of Penal Code section 215(a). This matter is currently pending trial.

Autopsy

An autopsy was performed on June 17, 2020, by Deputy Medical Examiner Zuhha Ashraf. The cause of death was determined to be multiple gunshot wounds. Lugo sustained ten entrance gunshot wounds to the head, left mid back, right lower back, right posterior shoulder, right upper arm, left forearm, and left thigh. He also sustained a graze wound to his right hand. Five bullets, four jacket fragments, and one lead fragment were recovered from Lugo’s body during the autopsy and preserved for ballistics testing. Toxicology results indicated the presence of amphetamine and methamphetamine in Lugo’s blood at the time of the incident.

Ballistics Evidence

From the front seat of a CHP vehicle, LASD investigators recovered the firearm used by Lugo, a Glock, model 21, .45 caliber semiautomatic handgun. The firearm had no bullets in the

⁷ The location of the people involved is an approximation based on Mejia, McDonald, and Davis’ statements and the physical evidence. The police vehicles seen in the photograph were not present during the incident.

magazine or chamber. Seven cartridge casings headstamped “TULAMMO 45 AUTO” were recovered from the 99 Cents Only store parking lot near where Lugo was shot and arrested. Subsequent ballistics testing confirmed that these casings were discharged from Lugo’s firearm.



Figure 3 – Photograph depicting handgun fired by Lugo.

A Norinco, model 1911A1, .45 caliber semiautomatic handgun was recovered in the 99 Cents Only store parking lot, in the area where Pina was arrested. The firearm was loaded with one round in the chamber and five rounds in the magazine. No cartridge casings expended from this firearm were found at the scene. A loaded Benelli, M1 Super 90, semiautomatic shotgun was recovered from the northwest corner of the parking lot, in the area where Cardozo fell to the ground.



Figures 4 & 5 – Photographs depicting the handgun and shotgun possessed by Pina (Figure 4) and Cardozo (Figure 5).

Eighteen cartridge casings headstamped “SPEER 11 223 REM” that were discharged from Mejia’s Colt M4 Carbine, 5.56x45mm caliber semiautomatic rifle were recovered from the 99 Cents Only store parking lot.⁸ Eighteen cartridge casings headstamped “FC 9mm Luger” that were discharged from McDonald’s Smith and Wesson, model M&P9, 9mm Luger caliber semiautomatic service weapon were also recovered from the parking lot.⁹ One cartridge casing

⁸ Mejia’s rifle was left at the scene and a round count with Mejia present was not conducted. The rifle was recovered with 10 rounds remaining in the magazine. According to Mejia, he did not count the number of rounds in the rifle’s magazine that day but typically loads his rifle magazines with 28 rounds, which would be consistent with the number of casings recovered at the scene and the number of cartridges that remained in the rifle.

⁹ This is consistent with the round count conducted of McDonald’s magazine following the incident.

headstamped “Federal 40 S & W” and one headstamped “F C 18 40 S & W,” both of which were discharged from Davis’ Smith and Wesson, model M&P40, .40 caliber semiautomatic service weapon, were recovered from the northwest portion of the parking lot.

Ballistics testing determined that the five bullets recovered from Lugo’s body during the autopsy were fired from McDonald’s duty weapon. Two recovered fragments had characteristics suggesting they may have been fired from Mejia’s rifle but lacked sufficient individual characteristics for an identification. The final two jacket fragments and single lead fragment were unsuitable for comparison.

Investigators observed multiple bullet holes and strike marks on various walls, windows, trees, and vehicles within the shopping center parking lot. Four bullets were recovered. Two of the bullets were recovered near the front of the 99 Cents Only store, one in the west facing front wall and the other from the back of a soda cooler located inside the store. Ballistics testing determined that both bullets were fired from Davis’ duty weapon.

DNA Evidence

DNA samples taken from Pina, Lugo, and Cardozo were compared to those found on the firearms recovered from the 99 Cents Only store parking lot. Lugo and Pina’s DNA were located on the Norinco handgun recovered near where Pina was arrested. Lugo’s DNA was located on the Glock handgun recovered near where Lugo was shot and arrested. The DNA sample obtained from the Bellini shotgun had at least five contributors and was unsuitable for interpretation.

Law Enforcement Statements¹⁰

Deputy Mejia

Mejia was McDonald’s field training officer at the time of the incident. Mejia stated that they were informed via police radio that the suspects were armed and wanted in connection with a carjacking. Following the traffic collision, Mejia pursued Pina and Lugo on foot into the shopping center parking lot. He did not see Cardozo until after the shooting occurred. Mejia noticed Pina kept his hands near his waistband as he ran. Mejia and McDonald both yelled, “He’s going for his waistband!” several times. When Pina moved his hands out of his waistband, Mejia saw that Pina was holding a grey metallic handgun in his right hand. Mejia yelled, “Stop! Stop! Stop!” According to Mejia, Pina then “turns and looks at me, puts the gun over his shoulder, [and] shoots at me. That’s when I returned fire.” Mejia heard three to five shots and saw muzzle flash coming from Pina’s firearm. Mejia estimated he discharged approximately five to ten rounds at Pina. In his peripheral vision, Mejia could see McDonald standing to his right firing at Pina.

When Pina fell to the ground, Mejia heard additional gunfire coming from his right. He then saw Lugo facing him, standing sideways, and firing a handgun at him. Mejia heard the “whistles of the bullets going by [his] head.” Mejia responded by firing approximately five to six rounds

¹⁰ LASD investigators recorded statements given during interviews. Preliminary hearing testimony was transcribed.

from his rifle at Lugo and noticed that McDonald was also firing at Lugo. Lugo fell to one knee and was “slumped over” while continuing to fire at Mejia. Mejia discharged a final round at Lugo that appeared to strike him in the head. Mejia stated he feared for his life during the incident and believed both suspects were attempting to kill him when they fired their weapons at him.

Deputy McDonald

Following the traffic collision, McDonald saw Pina run through the intersection “holding his waistband” with both hands and believed he was armed. McDonald and Mejia exited their patrol vehicle and pursued Pina and Lugo into a parking lot. Mejia yelled, “Stop!” and “Let me see your hands.” McDonald could see Pina holding an “object” with both hands close to his chest. It appeared to McDonald that Pina may have been “racking” a firearm.¹¹ Pina then turned his shoulder to the left and looked back toward him and Mejia. Pina “reach[ed] out” and fired approximately three rounds at Mejia. McDonald heard shots and saw muzzle flash coming from Pina’s handgun.

Mejia began discharging his rifle toward Pina. Pina faced Mejia and was “backpedaling” as he continued shooting toward Mejia. McDonald estimated that Pina and Mejia were approximately ten feet from one another at this point, and because of that, McDonald believed Mejia had been struck by Pina’s rounds. McDonald stated he was not sure, but thought he fired one to two rounds at Pina in response. Pina fell to the ground, and McDonald thought he had been hit by gunfire.

After Pina fell to the ground, McDonald heard a gunshot coming from his right and saw Lugo firing a handgun at Mejia. Mejia returned fire, and McDonald also discharged his duty weapon at Lugo. McDonald estimated he fired approximately seven to eight rounds. Lugo appeared to have been struck by gunfire. As Lugo fell to the ground, he “punch[ed] his arms out” in McDonald and Mejia’s direction as if he was attempting to shoot them from a prone position. McDonald felt threatened and continued discharging his duty weapon until the magazine was empty. McDonald reloaded but did not fire again because Lugo stopped moving. McDonald approached Lugo and tossed the handgun he had been firing out of his reach. McDonald handcuffed Lugo and patted him down for additional weapons. CHP officers secured Lugo’s firearm and began life-saving measures. McDonald was unaware of Cardozo until after the incident.

Officer Davis

After the traffic collision, Davis saw three men exit the Charger. Pina and Lugo exited the front passenger door holding handguns. Cardozo left the rear of the vehicle and carried a shotgun over his right shoulder. Davis stopped and exited his patrol vehicle at the curb of 20th Street East, south of Palmdale Boulevard. Davis began chasing Cardozo, who was approximately eight feet in front of him. As Cardozo ran down an embankment into the shopping center parking lot, Davis briefly lost sight of him and Davis heard what he believed to be a shotgun hitting the

¹¹ Racking a gun consists of gripping the slide, pulling it back, and releasing it. Racking causes a round to go from the magazine into the barrel of the firearm.

ground. When Davis regained sight of Cardozo, he saw a shotgun lying on the pavement and Cardozo getting to his feet.

Cardozo left the shotgun on the ground and continued running east. Davis then heard gunfire and saw Lugo firing a handgun toward Mejia and McDonald. Davis saw Lugo fire at the deputies at least two times. Fearing for the deputies' lives and his own, Davis discharged two rounds from his duty weapon at Lugo. Davis estimated he was approximately 100 feet away from Lugo when he shot at him. After discharging his service weapon, Davis saw Lugo fall to the ground. Davis then refocused his attention to Cardozo, who was lying directly in front of him in the prone position.

Deputy Ryan Clinkunbroomer

Following the collision involving the Charger, Clinkunbroomer drove his patrol vehicle across 20th Street East and into the furthest south entrance of the 99 Cents Only shopping center parking lot. As he entered the driveway, Clinkunbroomer heard several gunshots. He stopped his vehicle in the southwest portion of the parking lot facing north. Clinkunbroomer saw Lugo facing northwest in an "aggressive" posture with one of his arms extended outward toward McDonald. He could see McDonald standing approximately ten to 20 feet north of Lugo with his arms extended outward and a firearm in his hand. Clinkunbroomer then heard several more gunshots and saw Lugo fall to the ground.

Witness Statements¹²

██████████

██████████ was stopped at a red light at 20th Street East when the Charger crashed into the vehicle to her left. She saw three men exit the car; one carried a shotgun while another had a black handgun. ██████████ saw at least two of the men run east through the 99 Cents Only store parking lot. Both men turned around and pointed their guns west. She immediately ducked down in her vehicle and took cover. She then heard more than ten gunshots. When she looked up, she saw a man with a gray shirt lying on the ground of the shopping center parking lot.

██████████

██████████ was stopped at a red light at 20th Street East when the Charger rear-ended him. When he looked back at the vehicle, it was empty. He then saw a man run east past the passenger side of his car. Approximately 20 to 30 seconds after exiting his vehicle to assess the damage, he heard ten to 11 gunshots coming from the east. The gunfire lasted ten seconds or less.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if the person claiming the right of self-defense or the defense of others actually and reasonably believed

¹² All interviews were recorded.

that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

A peace officer is justified in using deadly force upon another person 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).

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).

Under the current use of force law, the reasonableness of an officer's use of deadly force is analyzed using a reasonable officer standard, not the reasonable person standard that was previously applied and articulated in *People v. Mehserle* (2012) 206 Cal.App.4th 1125, 1147. 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.

In this case, Mejia, McDonald, and Davis were informed that a Dodge Charger had been stolen in an armed carjacking and that the occupants of the vehicle may be armed. Following a lengthy vehicle pursuit that ended in a traffic collision, Pina, Lugo, and Cardozo exited the vehicle armed with firearms. When Mejia and McDonald chased Pina and Lugo, Pina turned toward them and pointed a handgun at Mejia. Both Mejia and McDonald stated they believed Pina was shooting at them. While ballistics evidence suggests Pina did not discharge his firearm, that fact alone

does not alter the reasonableness of their actions. Police officers need not wait for a person to actually discharge their firearm. “[A]n officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to attack. In these circumstances, the Courts cannot ask an officer to hold fire in order to ascertain whether the suspect will, in fact, injure or murder the officer.” *Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 345, quoting *Reynolds v. County of San Diego* (S.D. Cal. 1994) 858 F.Supp. 1064, 1072.

Pina was wanted for his participation in a violent crime. Pina’s actions: drawing a handgun, turning his body, and pointing the handgun at a pursuing deputy, suggest an intent to engage. Given the totality of the circumstances, Mejia and McDonald’s belief that Mejia’s life was in danger was reasonable, and the discharge of their firearms at Pina was lawful.

Mejia, McDonald, and Davis then observed Lugo firing multiple rounds from a handgun at Mejia. At that time, Mejia’s life was in imminent danger, and it was reasonable for him to discharge his rifle in self-defense. Likewise, it was reasonable for McDonald and Davis to discharge their duty weapons in self-defense and in defense of Mejia.

CONCLUSION

We find that Deputies Joshua Mejia and Christopher McDonald and Officer Erik Davis acted lawfully in self-defense and the defense of others when they used deadly force against Tony Lugo and Ranfere Pina.