

# **Fatal Officer Involved Shooting of Matthew Blaylock**

## **Los Angeles Police Department**

**Officer Giovanny Barona #42485**

**Officer David Voci, #43117**

**J.S.I.D. File #21-0121**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**August 3, 2022**

## **MEMORANDUM**

TO: CAPTAIN RICH GABALDON  
Force Investigation Division  
Los Angeles Police Department  
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Los Angeles, CA 90012

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

SUBJECT: Fatal Officer Involved Shooting of Matthew Blaylock  
J.S.I.D. File #21-0121  
L.A.P.D. File #F019-21

DATE: August 3, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 29, 2021, fatal shooting of Matthew Blaylock by Los Angeles Police Department (LAPD) Officers Giovanni Barona and David Voci. We have concluded that Barona and Voci acted in lawful self-defense at the time they fired their weapons.

The District Attorney's Command Center was notified of this shooting on March 29, 2021, at approximately 5:29 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by LAPD Lieutenant Brian Reynolds.

The following analysis is based on reports, recorded interviews, body worn video (BWV) recordings, digital in-car video (DICV) recordings, surveillance video recordings and photographs submitted to this office by the LAPD Force Investigation Division (FID). No compelled statements were considered in this analysis.

### **FACTUAL ANALYSIS**

On March 29, 2021, Officers Anthony Barona and Justo Malta were on patrol in a marked black and white police vehicle in the area of Bixel Street and 7<sup>th</sup> Street. The officers were in full uniform and Barona was driving. At approximately 3:45 a.m., the officers saw Blaylock on foot wearing a black hooded sweatshirt. Blaylock turned into an alley. The officers drove towards Blaylock and Officer Malta noted that Blaylock had both his hands in the front pocket of his sweatshirt and the pocket appeared to contain something bulky.

As the patrol vehicle passed Blaylock on the driver's side, Barona illuminated Blaylock with his flashlight. Barona saw the outline of a gun in Blaylock's sweatshirt pocket. Barona alerted Malta, saying, "He has a gun. He has a gun in his hoodie pocket." Barona stopped the vehicle and shifted it into reverse as Malta called for backup.

Barona backed the car up a few feet. Both officers exited their patrol vehicle to detain Blaylock for a firearm investigation. Blaylock stopped briefly and turned to face the officers with his hands in the air and a Gatorade bottle in his right hand. Then, he turned and continued walking down the alley.

Barona caught up to Blaylock, reached out and touched Blaylock's left arm as Barona said, "Hey, get on the wall." Blaylock turned again and lifted his arms in the air. In Barona's BWV, a silhouette of a gun is apparent in the front pocket of his sweatshirt. It was at that time that Malta said he first saw the gun.



*Figure 1. This still photograph from Barona's BWV shows the outline of a firearm in the front pocket of Blaylock's sweatshirt.*

Blaylock faced Barona and said, "What is you fucking with me for?" Blaylock turned his back to the officers and continued walking out of the alley. Barona instructed Malta to radio dispatch to let them know they were confronting a man with a gun and again call for backup. Malta did so as Blaylock called over his shoulder, "I don't got no gun." Barona repeated his command to "Get on the wall," and warned Blaylock, "Do not reach for it."

Blaylock turned and walked southbound on Bixel Street. Barona stepped out into Bixel Street, maintaining distance between himself and Blaylock as he followed Blaylock with his duty weapon drawn and aimed at Blaylock. Barona continued to order Blaylock to, "Get on the wall," and "Don't reach for it." Blaylock continued to insist he did not have a gun. Malta followed behind them.

As Blaylock reached 7<sup>th</sup> Street, Barona kept his duty weapon trained on Blaylock as he again requested assistance, communicated his location, and provided a description of Blaylock using his handheld radio. Blaylock crossed 7<sup>th</sup> Street as Barona repeated his instructions to get on the

wall. Blaylock said, “I ain’t got no goddamned gun.” Barona responded, “Yes, you do. I see it.”

When Blaylock reached the south side of 7<sup>th</sup> Street he broke into a run, continuing southbound on Bixel Street. Barona chased him, maintaining his distance without letting Blaylock pull away. Blaylock shouted unintelligibly as he ran. Barona repeated, “Do not reach for it! You’re going to get shot!” Malta ran behind Blaylock and Barona with his pistol in his hand.

Malta said Blaylock removed a cell phone from the front pocket of his sweatshirt with his right hand as he kept his left hand inside the pocket. Blaylock waved the phone over his head and Malta stated he heard Blaylock yell, “See? This is a fucking phone.”<sup>1</sup> Because Barona was running, the camera was bouncing and the images the camera recorded were too blurry to see precisely what Blaylock was doing, other than running and yelling in the distance.

Barona updated dispatch as he ran southbound on Bixel Street between 7<sup>th</sup> Street and 8<sup>th</sup> Street, saying, “He’s running southbound! He has a gun! He’s reaching for it! He’s running southbound toward 8<sup>th</sup>! Let me get an airship!”

As Barona was broadcasting this statement, Officers David Voci and David Gomez arrived together in a marked patrol vehicle that Gomez was driving. When Malta saw the vehicle, he yelled to Gomez and Voci, “Cut him off!”

Gomez told investigators that as he approached 8<sup>th</sup> Street, he saw Blaylock sprinting with a gun in his right hand. Voci’s BWV captures Voci exclaiming, “He’s got it in his hand! He’s got it in his fucking hand!” Due to the lighting conditions and movement, it is not possible to see the gun in any of the BWV or the DICV recordings.

Blaylock continued running southbound on Bixel Street with Barona and Malta in pursuit. Gomez parked the patrol vehicle in the intersection of 8<sup>th</sup> Street and Bixel Street in the westbound lanes of 8<sup>th</sup> Street, with the car pointing in a southeasterly direction. Gomez told investigators he was attempting to create an obstacle for Blaylock and planned to use the patrol vehicle for protection once he stopped. As Gomez stopped the car, Voci unholstered his duty weapon and got out.

When he reached the southeast corner of 8<sup>th</sup> Street and Bixel Street, Blaylock turned west and crossed Bixel Street where the street becomes the onramp for the southbound Interstate 110 freeway. Voci ran towards Blaylock and pointed his duty weapon at him. Voci yelled, “Drop the fucking gun! Drop the fucking gun mother fucker!” Blaylock reached a rock-filled embankment on the west side of Bixel Street and slipped, sprawling forward, landing on his hands and knees. The gun landed on the ground a few feet southeast of Blaylock’s head. Barona and Voci caught up to Blaylock at the embankment.

Blaylock paused for approximately two seconds on his hands and knees as each ordered Blaylock not to reach for the gun. Barona warned Blaylock that if he reached for the gun, he

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<sup>1</sup> Because of ambient noise and the distance between Barona and Blaylock, it is impossible to decipher exactly what Blaylock is saying in Barona’s BWV, but the words, “fucking phone” are intelligible.

would get shot. Blaylock then crawled in the direction of the gun and grasped it with his right hand.



*Figure 2. Still photograph captured from Barona's BWV, depicting the moment Blaylock picked up the gun after falling and dropping it during the foot pursuit.*

Barona kicked Blaylock as he and Voci simultaneously fired their weapons. Blaylock raised his upper body, turned to face Barona, and threw the firearm in Barona's direction.



*Figure 3. This still photograph taken from Voci's BWV shows Blaylock throwing his gun in Barona's direction. The photograph has been enhanced to make the gun more visible.*

Blaylock was struck by gunfire multiple times, fell into a seated position, then rolled in a westerly direction into bushes. Between them, Voci and Barona fired ten shots in approximately two seconds.

Within seconds, more officers arrived to assist. The officers took Blaylock into custody and he was transported to the California Hospital Medical Center. Doctor Gregor McIver treated Blaylock in the emergency room. Despite life-saving attempts, Blaylock succumbed to his injuries.



## PHYSICAL EVIDENCE

Barona was armed with a 9mm pistol and forensic investigators recovered four discharged 9mm cartridge cases at the scene of the officer involved shooting. A round count conducted on Barona's duty weapon in the hours after the incident found that there were 13 rounds in the magazine and one in the firing chamber. The magazine had a 17-round capacity. The results of the round count are consistent with Barona firing four shots during the incident.

Voci was armed with a .45 caliber pistol and forensic investigators recovered six discharged .45 caliber cartridge cases at the scene of the officer involved shooting. A round count conducted on Voci's duty weapon after the incident found that there were seven rounds in the magazine and one in the chamber. The magazine had a 13-round capacity. The results of the round count were consistent with Voci firing six rounds during the incident.

A semiautomatic pistol was recovered on the ground on the west side of the southbound Bixel Street where the officer involved shooting occurred.



*Figure 4. This photograph shows the location where Blaylock's gun was recovered. It is identified with evidence marker #3.*

Blaylock's pistol was a 9mm Luger caliber "ghost gun" with no serial number inscribed. "Lil Cisco" was etched into the slide of the weapon. "Cisco" is listed as a moniker on Blaylock's rap sheet.



*Figure 5. This photograph of Blaylock's pistol laying on the cement next to evidence marker #3 shows the words "Lil Cisco" etched in the slide.*

When it was recovered, the pistol was loaded with one 9mm cartridge in the chamber and 16 cartridges in an extended magazine. A ballistics expert test fired the firearm and determined it was operational. A criminalist obtained a DNA swab from the pistol. The swab was examined and the criminalist determined there were four contributors to the profile, one of whom was Blaylock.

The Firearms Analysis Unit submitted a crossfire detail into the National Integrated Ballistic Information Network (NIBIN). NIBIN reported a potential link between Blaylock's gun and the gun used in an assault that occurred in the early morning hours of March 26, 2021 at the intersection of 38<sup>th</sup> Street and Broadway Avenue. During the prior incident a man riding a bicycle got into an argument with an unknown individual who drew a weapon, fired a single shot, struck the victim in the leg, and fled. No arrest was made in that case.

## **AUTOPSY**

On March 31, 2021, Deputy Medical Examiner Doctor Julie Huss-Bawab conducted an autopsy on Blaylock's body. Dr. Huss-Bawad determined Blaylock sustained five gunshot wounds. A gunshot wound to the right forearm entered the anterior side to the forearm and lodged under the skin at the elbow. The trajectory was front to back, left to right, and up. A second gunshot wound entered the upper left arm. The projectile was recovered from the left forearm after it passed through the body in a back to front, right to left, and downward trajectory. A third projectile entered Blaylock's groin from the front and perforated the bladder and left femoral vein. A fourth wound was caused by a bullet entering the right buttock near the hip. The bullet passed front to back, right to left and up. The doctor discovered a fifth gunshot wound to Blaylock's shin. The trajectory of the bullet that caused that injury was front to back, right to left and down before exiting the calf.

Dr. Huss-Bawab determined that the cause of death was gunshot wounds, causing hemorrhaging.

A forensic analysis of Blaylock's blood detected the presence of methamphetamine and amphetamine.

## 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 that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 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) and (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) 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).

The evidence examined in this analysis shows that prior to the shooting, Barona was investigating Blaylock for possessing a weapon. Blaylock denied he possessed a firearm although the outline of the pistol was plainly visible through his sweatshirt. When Barona attempted to detain him, Blaylock ran away. Barona continuously provided clear instructions to drop the weapon and stop running, which Blaylock ignored although he had ample opportunity to comply. When Blaylock fell and dropped the firearm, Barona and Voci provided clear and reasonable instructions not to reach for the gun and warned Blaylock of deadly consequences if he did so. In spite of these warnings and instructions, Blaylock reached for the gun and picked it up. It was reasonable for Barona and Voci to conclude that Blaylock intended to use the firearm against them. The evidence supports the conclusion that the officers were in reasonable fear of death or great bodily injury and their decision to use deadly force was reasonable under the circumstances.



## **CONCLUSION**

We find that Officers Barona and Voci acted lawfully in self-defense when they used deadly force against Matthew Blaylock.