

**Non-Fatal Officer Involved Shooting of
Melvin Butler and Semaj B.
Los Angeles Police Department**

**Officer Lance Perkins, #36787
Officer David Sanchez, #38115**

J.S.I.D. File #11-0674



JACKIE LACEY

District Attorney

Justice System Integrity Division

September 3, 2020

MEMORANDUM

TO: COMMANDER TIMOTHY NORDQUIST
Los Angeles Police Department
Force Investigation Division
100 W. First Street, Suite 431
Los Angeles, California 90012

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

SUBJECT: Non-Fatal Officer Involved Shooting of Melvin Butler and Semaj B.
J.S.I.D. File #11-0674
L.A.P.D. File #F096-11

DATE: September 3, 2020

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 23, 2011, non-fatal shooting of Melvin Butler and Semaj B. by Los Angeles Police Department (LAPD) Officers Lance Perkins and David Sanchez. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on October 23, 2011, at 5:40 p.m. The District Attorney Response Team responded and was given a briefing, conducted a walk-through of the scene and interviewed a civilian witness.

The following analysis is based on police reports, witness interviews, dispatch recordings, crime scene photographs, firearm analysis and medical records submitted to this office by the LAPD Force Investigation Division. Officers Perkins and Sanchez provided compelled statements which were considered as part of this analysis.

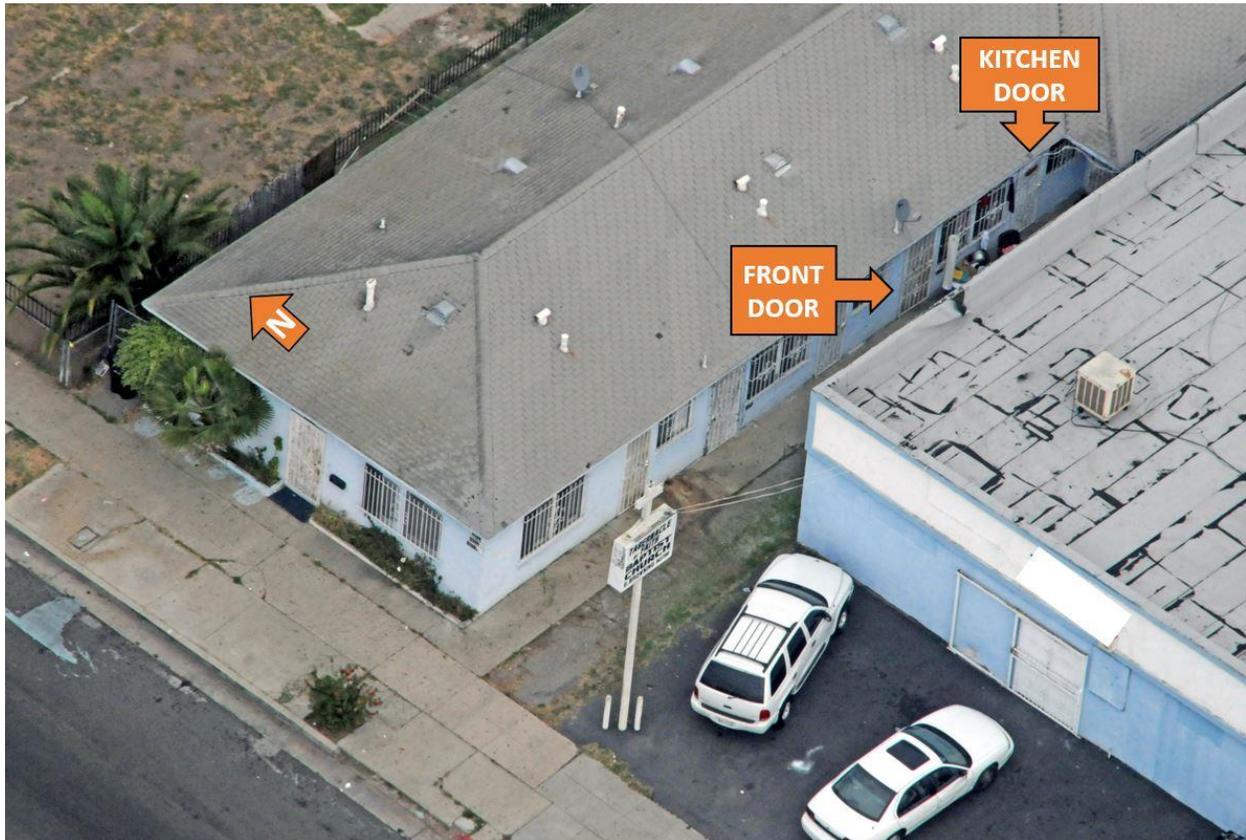
FACTUAL ANALYSIS

On the afternoon of October 23, 2011, Semaj B. and Melvin Butler were playing dice in the parking lot next to Semaj B.'s apartment. The men became involved in a dispute over money and Butler punched Semaj B. in the mouth. In retaliation, Semaj B repeatedly punched Butler in the face.¹ Butler left the parking lot and walked in the direction of his residence. Semaj B. returned to his apartment located on South Main Street, in the City of Los Angeles.²

¹ It was later determined at the hospital that Butler sustained a broken jaw during the fight. Semaj B. told investigators that Butler had been smoking "sherm." "Sherm" is street vernacular for phencyclidine (PCP.)

² The location is a single-story, multi-unit apartment building.

Semaj B. lives with his girlfriend, Dominique C., and their children. The apartment has a bedroom, bathroom, living room and kitchen. There are three exterior doors. Two are on the south side of the building. The front door leads into the living room and a second door leads into the kitchen. The bedroom has a door that leads into a narrow rear yard that is fenced and runs along the north side of the property.



View of the front and kitchen doors on the south side of the apartment building.



View of the bedroom door and fenced-in rear yard on the north side of the apartment building.

Shortly before 5:00 p.m., five to ten minutes after Butler left the parking lot, Butler approached Semaj B.'s front door. At that time, Semaj B., Dominique C., Regina F., Ta'Nesha R. and six children between the ages of nine months and 16 years old, were inside the apartment. The wooden front door was open, but the metal security gate was locked. Butler attempted to open the security gate. Semaj B. asked Butler what he wanted and told him to leave. Butler turned to leave then walked back and began firing a black handgun into the living room through the security gate.

Ta'Nesha R. ran into the kitchen and hid behind the stove, while everyone else fled into the bedroom. Semaj B. told Dominique C. that he had been shot.³ Dominique C. and Regina F. hid the children in the bedroom closet and under the bed, while Semaj B. blocked the door. Meanwhile, Butler entered the apartment through the kitchen door and pointed the gun at Ta'Nesha R. He did not fire. Ta'Nesha R. escaped out the front door and called 9-1-1. Butler headed toward the bedroom.

Butler pushed the bedroom door open half way and shoved the gun through the gap. Semaj B. slammed the door on Butler's hand and tried to knock the gun away. Butler eventually overpowered Semaj B. and entered the bedroom. A violent struggle over control of the gun ensued between Butler, Semaj B. and Dominique C. on the bed. Semaj B. held Butler's gun hand to the mattress while Dominique C. struck Butler on the head with a wine bottle. Butler

³ Semaj B. said he was grazed, but did not indicate to what part of his body.

repeatedly threatened to kill Semaj B. During the struggle, Regina F. fled from the apartment and called 9-1-1.⁴

Dominique C. and Semaj B. attempted to reason with Butler, telling him to leave before the police arrived and he went to jail. They successfully convinced Butler to leave their apartment. Butler exited through the kitchen door with the gun. Moments later, Butler returned and tried to reenter the apartment. Another struggle ensued at the kitchen door. Dominique C. saw the magazine clip hanging from Butler's handgun. Dominique C. removed the clip and fled from the apartment, joining Regina F. and Ta'Nesha R. in front of the apartment building.

Butler reentered the apartment and he and Semaj B. continued to fight. Butler was still in possession of the gun. The struggle returned to the bedroom, then outside the rear bedroom door into the rear yard. Semaj B. forced Butler to the ground and got on top of him. Butler fired one round while Semaj B. was holding his gun hand to the ground. Semaj B. held Butler on the ground until the police arrived.

Semaj B. released Butler when he saw officers in the bedroom at the rear door. Semaj B. ran into the bedroom toward the officers. As he ran, Semaj B. was shot two times in the back. Semaj B. believed that Butler shot him, although he did not see him fire the gun.

Compelled Statement of LAPD Officer Lance Perkins

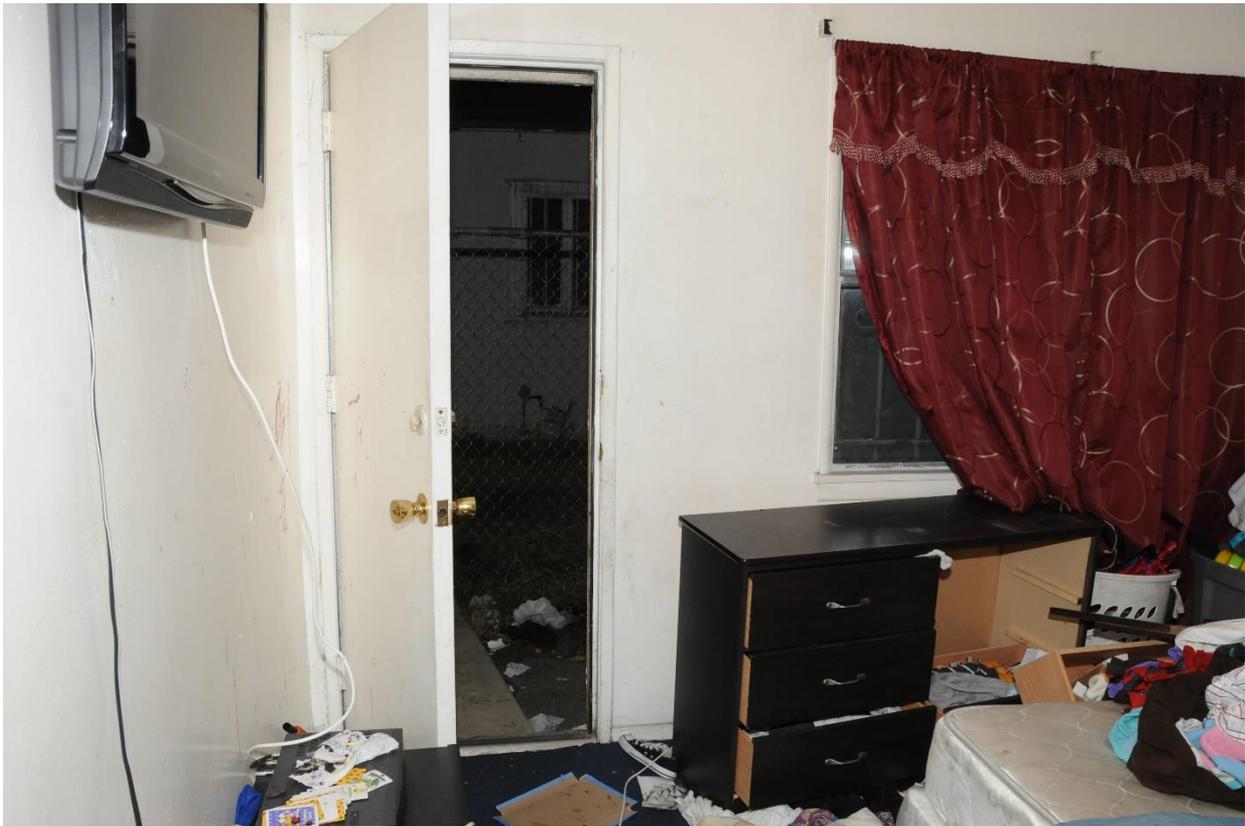
Uniformed LAPD Officers Lance Perkins and David Sanchez were working a gang detail in a marked patrol vehicle when they received a radio call of a shooting in progress at the apartment building on South Main Street. The officers responded to the location and observed two women standing in the street. The women were frantic and screaming, "He's got a gun! He's going to kill the children! There are children inside!" One of the women, Dominique C., handed Perkins a loaded magazine and said, "This is from inside the house." Perkins placed the magazine in his shirt pocket.

Perkins obtained a suspect description from Dominique C. and she pointed to an open door on the south side of the building, indicating that was her apartment. Sanchez covered the south side of the building. Perkins asked if there was a rear door to the apartment. Dominique C. went to the north side of building and pointed to another open door stating that it also led to her residence. Perkins walked to Sanchez to relay the information he had received when Dominique C. yelled, "They're fighting on the ground! They're fighting on the ground!" Perkins returned to the north side of the building and saw two men on the ground outside the open rear door. Perkins was too far away to see what the men were doing. Perkins requested additional units.

Uniformed LAPD Officers Jack Rizzotto and Dominic Evans arrived to the scene. Perkins briefed them on the information he had obtained. The four officers approached the open kitchen door on the south side of the building. Perkins heard a male yell and a female scream for help from inside the apartment. Perkins unholstered his service weapon and entered the unit. Sanchez was behind Perkins, followed by Evans and Rizzotto.

⁴ Semaj B. believed that Butler fired several rounds in the bedroom during the struggle. However, during the crime scene investigation, there were no impacts or ballistic evidence located in the bedroom to corroborate his claim.

The officers cleared the living room and kitchen and walked to the bedroom. The bedroom was empty and the door leading outside was opened. To the right of the interior bedroom door was a closet. A teenaged girl peeked her head from closet and said, "Help, he has a gun," and pointed toward the open rear bedroom door. Perkins heard the sounds of fighting and screaming coming from the rear yard. Perkins walked to rear door and stepped outside. Sanchez remained in the bedroom.



View of the rear door upon entering the bedroom.



View of the bedroom from the rear door.



View of the rear yard outside the bedroom door looking west toward South Main Street.

Perkins observed Semaj B. and Butler on the ground. Semaj B. stood up from the ground and ran past him into the bedroom. Butler remained on the ground lying face up with a gun in his right hand pointed directly at Perkins. In fear that Butler was about to shoot him, Perkins fired four rounds from his service weapon at Butler. Butler dropped his gun to the ground after the fourth round. Perkins covered Butler with his service weapon until additional officers arrived. Butler was taken into custody and a rescue ambulance was requested.

Compelled Statement of LAPD Officer David Sanchez

Two women standing in the middle of the street flagged down Perkins and Sanchez when they arrived at the location. The women were frantic and said there were children inside the apartment and that the suspect had a gun. Sanchez went to the south side of the building and saw an open metal security door. One of the women confirmed that unit was the involved apartment. Sanchez remained at the southwest corner covering the open door with his service weapon. Perkins requested additional units to respond to their location.

Rizzotto and Evans arrived and Perkins briefed them. The four officers approached the open door. Sanchez followed Perkins through the kitchen door. After clearing the living room and kitchen, they moved toward the bedroom. The room was very cluttered with clothing covering the floor. Perkins entered and moved toward the open rear door. Sanchez went to the right and saw someone lean from the closet. Sanchez yelled, "Let me see your hands!" then realized it was a child. At that time, Sanchez heard three "pops" that he recognized as gunshots. The shots were loud and caused his ears to ring.

Sanchez turned toward the rear door and saw Semaj B. running into the bedroom while screaming. Perkins was nowhere in sight. It appeared to Sanchez that Semaj B.'s right arm was about to "punch out" from his body as if he was about to aim a firearm. Sanchez could not see whether there was anything in his right hand. Sanchez ordered Semaj B. to stop and get down. Semaj B. continued running toward him while bent over at the waist.

Sanchez believed that Semaj B. was the shooting suspect and had just shot Perkins. Fearing that Semaj B. was going to shoot him, as well as the child in the closet, Sanchez fired two rounds at Semaj B. Sanchez was unsure if the first round struck Semaj B., however the second round grazed along his upper back. After firing the second round, Sanchez' stumbled on something and his weapon slipped from his hand. As Sanchez reached for the weapon, Semaj B. pushed between Sanchez and a dresser along the wall. Not wanting Semaj B. to escape, Sanchez released his hold on the weapon and grabbed Semaj B. with both hands. Sanchez pushed Semaj B. forward and brought him to the ground in the hallway outside the bedroom. At that time, Evans took control of Semaj B.

Sanchez returned to the bedroom and retrieved his weapon from the foot of the bed. Sanchez walked to the rear door and heard Perkins yelling, "Don't move! Don't move!" Perkins was standing above Butler with his weapon drawn. Butler was on his back and Perkins was at his feet. Perkins pointed to a gun on the ground, adjacent to the apartment building. Additional officers arrived to the rear yard and Butler was taken into custody.

Injuries

Semaj B. sustained a gunshot wound to the left upper back and left lower back.

Butler sustained gunshot wounds to his right armpit, right scapula, right thigh and left foot. Butler also sustained a fracture to the lower jaw and a laceration to the top of his head. An unconfirmed toxicological screen of Butler's urine conducted at the hospital tested positive for marijuana, opiates and PCP.

Firearm Evidence

Butler was armed with a Glock, .357 Sig caliber, Model 32, semiautomatic firearm. There was no magazine in the weapon. A discharged Speer, .357 Sig caliber cartridge case was recovered from the firearm's chamber.

Four discharged Speer, .357 Sig caliber cartridge cases were recovered on the walkway in front of Semaj B. and Dominique C.'s apartment. Four live Speer, .357 Sig caliber cartridge cases were recovered from the kitchen floor. An analysis of the five discharged Speer cartridge cases and the Glock semiautomatic firearm determined that the cases had been fired from Butler's weapon.

The magazine clip Dominique C. gave to Perkins was a Glock, .357 caliber magazine. It contained two live rounds.



Butler's Firearm

Criminal Charges

On May 6, 2013, in case number TA126728, a jury convicted Butler of attempted premeditated murder and shooting at an inhabited dwelling. Butler was sentenced to state prison for the term of 25 years to life.

THE LAW

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger. See *CALCRIM No. 505*

When deciding whether the defendant's beliefs were reasonable, consider all the circumstance as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant's beliefs were reasonable, the danger does not need to have actually exist. See, *CALCRIM No. 505*.

"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.

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say that he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App. 2d 575, 589.

The test of whether the officer's actions were objectively reasonable is "highly deferential to the police officer's need to protect himself and others." *Munoz v. City of Union City* (2004) 120 Cal. App.4th 1077, 1102.

CONCLUSION

The evidence examined shows that Semaj B. and Butler were involved in a physical fight over money. Butler threw the first punch, striking Semaj B. in the face. Semaj B. fought back and ultimately broke Butler's jaw. Butler left the location and returned a short time later with a loaded firearm. Butler fired multiple rounds at Semaj B. through the front security gate of his apartment. Butler entered the apartment in an apparent attempt to kill Semaj B. In addition to Semaj B., there were three women and six children in the apartment.

Perkins and Sanchez were the first officers to arrive to the scene. They were advised that Butler was armed and still inside the apartment, along with an unknown number of children. Perkins and Sanchez entered the apartment once additional units arrived to the location.

Upon entering the bedroom, a teenage girl in the closet pointed to the open rear bedroom door and said that someone had a gun. When Perkins stepped outside the rear door, Semaj B. stood up and ran inside the bedroom. Butler was lying on his back on the ground and pointed a gun directly at Perkins. Butler's actions placed Perkins in reasonable fear of imminent serious bodily injury or death, and he responded with reasonable deadly force.

Sanchez mistakenly believed that Semaj B. was the shooting suspect when Semaj B. ran inside the bedroom from the rear yard. The question is whether under the circumstances it was reasonable for Sanchez to believe that he, or another person, was in imminent danger of being killed or suffering great bodily injury.

When Sanchez entered the bedroom behind Perkins, Sanchez' attention was drawn to a child in the closet. At that time, he heard three gunshots in close proximity to him. Sanchez turned toward the rear door and no longer saw Perkins in the bedroom. At the same time, Semaj B. ran screaming through the rear door. Under the circumstances, it was reasonable for Sanchez to believe that Semaj B. was the shooting suspect and had just shot his partner. It was also reasonable for Sanchez to believe that after shooting Perkins, Semaj B. was attempting to escape from the police and still armed with the gun.

Semaj B. ignored Sanchez' orders to stop and continued toward him. His right hand was not visible and it appeared to Sanchez that Semaj B. was about to extend his right arm as if he were aiming a firearm. As the United States Supreme Court observed in *Graham*, officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. The use of deadly force should not be analyzed using the luxury of hindsight, but rather through the lens of a reasonable person at the scene. Under the circumstances, it was reasonable for Sanchez to believe that Semaj B. posed an imminent threat of danger to himself, and the child hiding in the closet, when he ran toward him in the confined space of the bedroom. Sanchez responded with reasonable deadly force.

It was subsequently determined that Semaj B. was not armed when he came through the rear door. However, the law states that as long as a person's belief in the need to use deadly force in self-defense was reasonable, the danger does not have to actually exist.

We conclude that Officer Lance Perkins acted in lawful self-defense against Butler, and Officer David Sanchez acted in lawful self-defense and defense of others against Semaj B., when they used deadly force. We are therefore closing our file and will take no further action in this matter.