

**Fatal Officer Involved Shooting of Christopher Mosco  
Los Angeles County Sheriff's Department**

**Deputy Rudy Hernandez, #615908**

**Deputy Tyler Wheatcroft, #627798**

**J.S.I.D. File #21-0420**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**September 19, 2024**

**MEMORANDUM**

TO: ACTING CAPTAIN ARTURO R. SPENCER  
Los Angeles County Sheriff's Department  
Homicide Bureau  
1 Cupania Circle  
Monterey Park, California 91755

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

SUBJECT: Fatal Officer Involved Shooting of Christopher Mosco  
J.S.I.D. File #21-0420  
L.A.S.D. File #021-13593-0664-013

DATE: September 19, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 3, 2021, fatal shooting of Christopher Mosco by Los Angeles County Sheriff's Department (LASD) Deputies Rudy Hernandez and Tyler Wheatcroft. We have concluded that Deputies Hernandez and Wheatcroft acted in lawful self-defense and in defense of others when they used deadly force, reasonably believing, based on the totality of the circumstances, that deadly force was necessary to defend against an imminent threat of death or serious bodily injury.

The District Attorney's Command Center was notified of the shooting at approximately 6:05 p.m. on October 3, 2021. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, recorded interviews, surveillance video, radio communications, 9-1-1 calls, firearm analysis reports, autopsy reports, and crime scene photographs and diagrams submitted by LASD Detectives John Carlin and Judith Luera on July 19, 2022, as well as additional materials provided on March 27, 2024. Hernandez and Wheatcroft gave voluntary statements, which were considered in this analysis.<sup>1</sup>

**FACTUAL ANALYSIS**

On October 3, 2021, at approximately 3:26 p.m., LASD Santa Clarita Station received a 9-1-1 call from [REDACTED]. She stated that she was alone in her house with her [REDACTED], Christopher Mosco, who was "going a little bit crazy because he's out of drugs." She described him as yelling and

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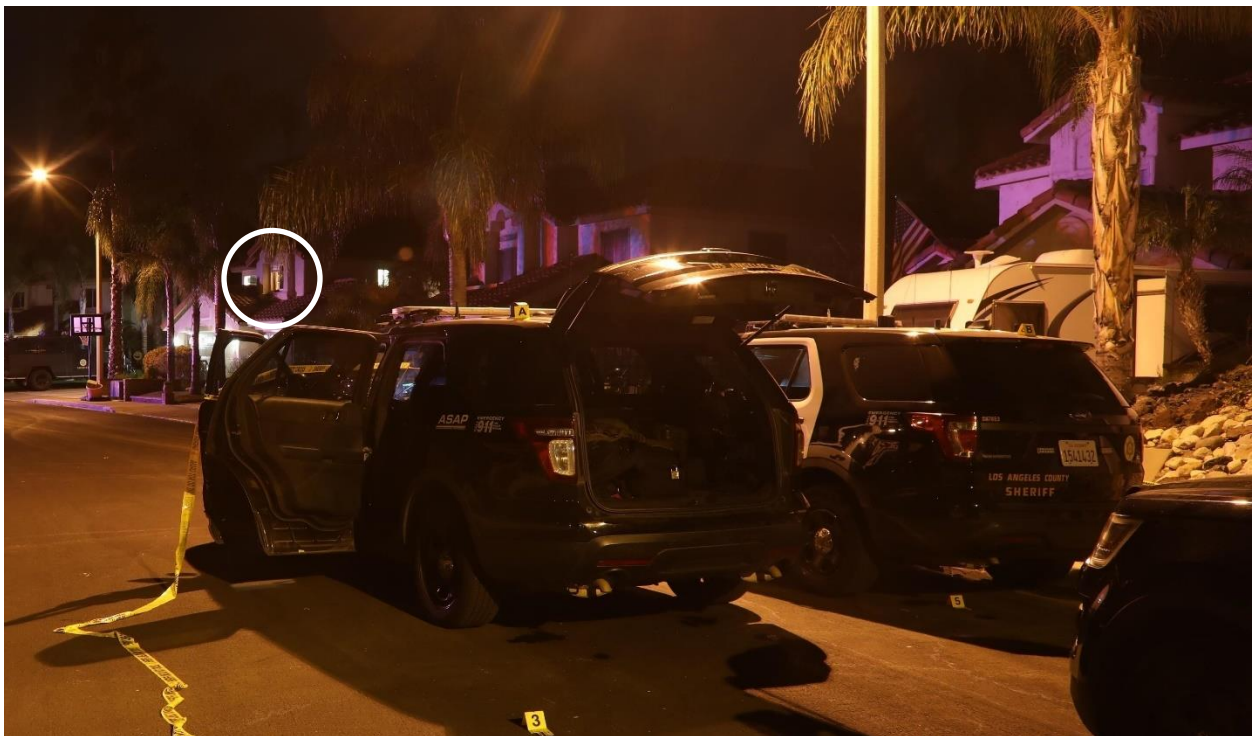
<sup>1</sup> At the time, LASD deputies assigned to Santa Clarita station were not generally equipped with body-worn cameras.

wrecking the house and asked for deputies to come to her residence to help get him under control. She stated that he had yelled, “Call them, they can just shoot me.”

Approximately 22 minutes later, [REDACTED], called 9-1-1 again to inform them that Mosco had locked himself in her bedroom and she had left the house. She stated he was screaming, “I’m ready to die.” She called again a third time at 3:54 p.m. with an update that she had heard a “clicking sound” in her bedroom, and her husband had confirmed that there was a gun stored underneath the bed. At approximately 4:00 p.m., Deputies Edwin Flores and Matthew Kerr responded to Chicory Court in Stevenson Ranch and contacted [REDACTED], who was waiting outside in her car.

At approximately 4:08 p.m., a friend of Mosco, [REDACTED], called 9-1-1 as well. He informed dispatch that Mosco had called to tell him that there were police at his house, that he had a gun and “two full clips ready to go,” and that he was ready to shoot the police. [REDACTED] said Mosco was “losing his mind” and had said he was “ready to go out by suicide by cop.”

Responding deputies were advised over dispatch that Mosco had stated he wanted to shoot police officers and wanted to be shot. Deputies responding to the scene parked their patrol units approximately two houses down from Mosco. Deputies Christian Marin and Rudy Hernandez arrived and began yelling to the suspect to come out so they could help him. Deputy Michael Thompson then arrived on scene and attempted to speak to Mosco using his patrol car’s public address (PA) system. Thompson told Mosco to come out of the house with his hands up, that nobody wanted to hurt him, and that the deputies wanted to get him some help. Deputies repeated similar announcements for several minutes.



*Fig. 1 – Crime scene photograph capturing distance between patrol vehicles and second-floor window in which Mosco appeared.*

Mosco appeared at a second story window of his home. He began to lean out of the window while yelling. Thompson announced over the PA system that because of the distance and wind, the deputies could not understand him. He asked Mosco to come to the driveway so they could speak to him. Thompson saw Mosco move back inside the house from the window, then return soon after to the window. Neighbors who were interviewed stated that they heard deputies call out to Mosco over loudspeaker, telling him that he was not in trouble, that the deputies wanted to talk to him, and to come out of the house so the deputies could help him. Two neighbors, John N. and Joanne L, each stated separately that they heard a deputy say “Show us your hands,” followed by Mosco yelling, “You can’t help me. How are you going to help me?”

Several responding deputies, including Marin, Kerr, David Delgado, and Sergeant Michael Marino, stated in separate interviews that they then saw Mosco point a long gun in the direction of the deputies. Marino said he was unsure if the gun was a shotgun or a rifle but believed it to be a long rifle. Delgado called out that Mosco had a gun, and several deputies took cover. Marin described Mosco holding the gun at chest level with one hand near the butt and the other on the barrel. Marin saw Mosco retreat inside the bedroom, then pop out of the window again, pointing the long gun in the direction of the deputies.

Within moments, Hernandez fired his department-issued rifle at Mosco, who then returned inside his house. Approximately one minute later, Mosco returned to the window armed with a firearm. Marin and Marino both said they saw Mosco again point the gun at the deputies. Hernandez and Wheatcroft then each fired their department-issued rifles at Mosco nearly simultaneously.<sup>2</sup> A neighbor’s surveillance video captured audio only of one gunshot fired at 4:23 p.m. and two back-to-back gunshots fired 48 seconds later at 4:24 p.m. A view of the incident was not captured on any known video.<sup>3</sup>

Hernandez and Wheatcroft each gave voluntary statements to investigators. Hernandez stated that, prior to the incident, he was aware that Mosco had said that he wanted to commit “suicide by cop.” Both deputies stated that they saw Mosco standing at the window and pointing a gun in their direction prior to making the decision to fire their rifles at Mosco. Each stated that he believed Mosco posed a deadly threat to themselves and other deputies.

Deputies could see blood near the window at which Mosco had been standing and believed he had been injured. A weapon that appeared to be an AR-15-style rifle was also visible on the roof outside the window where Mosco had been standing. Several deputies saw Mosco drop the gun after Hernandez and Wheatcroft fired their rifles. Marino and Delgado both stated that Mosco then attempted to retrieve the firearm before returning back inside the home. The weapon was later examined by criminalists and determined to be an RIA Imports model VR80 12-gauge

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<sup>2</sup> Investigators took possession of and examined the rifles used by Hernandez and Wheatcroft. Each was equipped with an AR-15 rifle with an electronic sight attached. The rifles were examined, test fired, and determined to be functional. Hernandez’s rifle contained no rounds in the firing chamber and 26 in the magazine. Wheatcroft’s rifle contained a single round in the chamber and 26 rounds in the magazine. Three fired cartridge cases were found near Wheatcroft and Hernandez’s patrol vehicles. Accordingly, the evidence was consistent with Hernandez firing two rounds from his department-issued rifle, and Wheatcroft firing one.

semiautomatic shotgun with a detachable box magazine.<sup>4</sup>



*Fig. 2 – Crime scene photograph capturing Mosco’s weapon on roof outside of second-story window.*



*Fig. 3 – Weapon recovered from roof.*

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<sup>4</sup> The shotgun was loaded with one round in the chamber and one in the magazine. There is no evidence to suggest that Mosco fired the weapon during the incident.

Deputies formed a rescue team to enter the home and render aid. Mosco was moved to another room in order to perform CPR. He was pronounced dead by paramedics at 4:58 p.m.

An autopsy was performed on October 7, 2021, by Los Angeles County Associate Deputy Medical Examiner Kate Raastad. Dr. Raastad determined the cause of death to be a single gunshot wound to the right neck, with an exit wound through the chin and jaw. Toxicology results indicated the presence of ethanol, benzodiazepines, marijuana, opiates, mirtazapine, and alprazolam in Mosco's blood.

Mosco's parents, [REDACTED] and [REDACTED], were later interviewed by Detectives Carlin and Luera. According to [REDACTED], on October 3, 2021, Mosco was on a "rampage" because he was out of drugs. He had locked himself in his parents' bedroom, where [REDACTED] said he stored an assault rifle-style 12-gauge shotgun inside a safe under the bed. [REDACTED] said the key to the safe was hidden inside an armoire in the same bedroom. He did not know if his son knew about the shotgun.

Mosco's friends, [REDACTED] and [REDACTED], were also interviewed by investigators. [REDACTED] told investigators that Mosco called him at approximately 3:57 p.m. on October 3 to tell him that he had been ingesting Xanax and alcohol all day, that he was "ready to go to hell," and that "if anyone comes in here to take me to jail or a psych ward, I'm not going to let them take me." He added that he would shoot anyone who tried to take him and that he had "a piece of heavy machinery" in his hands that he was not afraid to use when the police arrived. [REDACTED] showed investigators a text message sent from Mosco at 3:32 p.m. on October 3 stating that the "cops are coming, I am ready to die . . . ."

## 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 § 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 §§ 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 § 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 §§ 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 § 835a(a)(4).

The evidence examined in this investigation shows that deputies responded to an emergency call involving a person believed to be armed and suicidal. When they arrived on scene, they parked several houses away from the residence in question and attempted to offer assistance to Mosco via PA system. In response, Mosco shouted that the deputies could not help him. He then appeared at the window armed with a shotgun, which from a distance appeared to be a rifle.

According to multiple deputies on scene, Mosco then pointed the loaded firearm in the direction of the deputies. Hernandez, armed with a rifle, fired a single round at Mosco, who then retreated inside. Mosco soon returned to the window, however, again armed with the shotgun which he again pointed in the direction of the deputies. Hernandez and Wheatcroft then nearly simultaneously fired a single shot each at Mosco. One of the rounds entered Mosco's body through his neck and exited under his chin, ultimately causing his death. Both Hernandez and Wheatcroft stated in voluntary interviews that they believed Mosco posed a deadly threat to themselves and other deputies in light of his repeated pointing of what appeared to be a rifle in their direction. Their perception was corroborated by multiple eyewitnesses on scene.

In light of Mosco's actions, Hernandez's and Wheatcroft's reasonably concluded that their decisions to use deadly force to stop the deadly threat posed by Mosco were necessary under the totality of the circumstances.

## **CONCLUSION**

We conclude that Deputies Rudy Hernandez and Tyler Wheatcroft used lawful and reasonable force in defense of themselves and others.