

Fatal Officer Involved Shooting of Moises Arreola
Los Angeles County Sheriff's Department

Deputy Eric Chappell, 546587
Deputy Blake Corrigan, 623010
Deputy Daniel Gonzalez, 619566
Deputy Kevin Honea, 617339
Deputy Jorge Ortiz, 546515

J.S.I.D. File #20-0458



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

September 30, 2021

MEMORANDUM

TO: CAPTAIN JOE MENDOZA
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 Moises Arreola
J.S.I.D. File #20-0458
L.A.S.D. File #020-10888-0381-013

DATE: September 30, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 19, 2020, fatal shooting of Moises Arreola by Los Angeles County Sheriff's Department (LASD) Deputies Jorge Ortiz, Eric Chappell, Blake Corrigan, Daniel Gonzalez, and Kevin Honea. We have concluded that each deputy acted in lawful self-defense and defense of others at the time they fired their weapons.

The District Attorney's Command Center was notified of this shooting on December 19, 2020, at approximately 9:15 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Lieutenant Hugo Reynaga.

The following analysis is based on reports, recorded interviews, surveillance video, and photographs submitted to this office by the LASD Homicide Bureau. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On December 19, 2020 at approximately 6:38 p.m., Moises Arreola and Sergio Becerra parked Becerra's white 2015 Chevrolet Equinox SUV in front of a residence near the northeast corner of 104th Street and Burin Avenue. They left the vehicle's emergency lights flashing and walked southbound on Burin Avenue across 104th Street. A silver Audi four-door sedan pulled up in front of the apartment building on the southwest corner of the intersection. The driver of the Audi exited the vehicle and walked to the sidewalk in front of the building when he turned and noticed Arreola and Becerra crossing 104th Street, approaching him. The driver immediately got back into the Audi and drove southbound down Burin Avenue with Arreola and Becerra chasing the car on foot. Becerra ran in the street while Arreola ran on the east sidewalk. As they ran, both Arreola and Becerra fired handguns at the fleeing Audi.

Arreola and Becerra ran a short distance down Burin Avenue before ending their pursuit. The two men turned around and walked northbound. As they walked northbound in the direction of their parked vehicle, both men turned and fired multiple gunshots at the apartment building on the southwest corner of the intersection.



Figure 1. This still photograph from a surveillance video shows Arreola shooting at the apartment building on the southwest corner of Burin Avenue and 104th Street. Note the muzzle flash from Arreola's handgun.

After shooting at the building, Becerra ran north across 104th Street while Arreola was still on the south side. As Arreola attempted to cross the intersection, a white SUV drove eastbound on 104th Street into the intersection. As the SUV approached Arreola, Arreola pointed his gun at the vehicle and fired multiple shots at it. At the time Arreola fired at the SUV, Becerra was north of the SUV and in line with Arreola's line of fire. A bullet struck Becerra in the ribs and killed him.

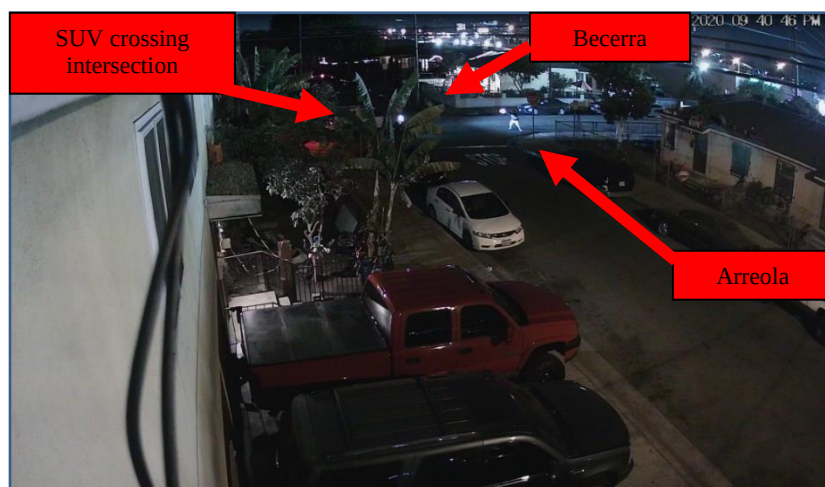


Figure 2. This still photograph from a surveillance video shows Arreola standing in the intersection of 104th Street and Burin Avenue firing a handgun at an SUV that is crossing Burin Avenue. Note the muzzle flash.

When Arreola fired at the SUV, the SUV stopped in the intersection and Arreola retreated to the southeast corner of the sidewalk. Arreola immediately turned northbound and began crossing the intersection once again. When Arreola was halfway across the intersection, the SUV accelerated and struck Arreola, throwing him into the air. Arreola landed on the hood of the vehicle, then slid off as the SUV continued eastbound. The SUV drove away, and Arreola limped towards the southeast corner of the intersection. Arreola sat down on the sidewalk for a few minutes. Later, as LASD vehicles approached the intersection, Arreola went east down the sidewalk and turned into the driveway of a residence east of the southeast corner of 104th Street and Burin Avenue.



Figure 3. This aerial photograph depicts the scene.

At approximately 6:43 p.m., Deputy Ortiz and his partner, Deputy Eric Chappell, received a service call of a gunshot victim at 104th Street and Firmona Avenue, which is three blocks west of where the shooting occurred. While responding, they were given an updated location of 104th Street and Burin Avenue. The radio dispatcher advised the deputies that the victim possessed a firearm. Ortiz coordinated with two assisting units, Deputies Daniel Gonzalez and Kevin Honea, and Deputies Blake Corrigan and Manuel Ibarra. Chappell and Ortiz checked 104th Street and Firmona Avenue, while Gonzalez and Honea went to 104th Street and Burin Avenue.

Honea and Gonzalez arrived at the intersection of 104th Street and Burin Avenue and were directed by bystanders to a residence east of the intersection. The property consisted of a duplex with a driveway running along the west side of the property and ended adjacent to the rear house. Honea arrived at the duplex first. He walked halfway down the driveway when he saw movement in front of the driver's side of a car parked in the driveway. Honea illuminated the

area with his flashlight and saw Arreola crawling in front of the car. Honea yelled, “Drop the gun! Let me see your hands!” several times. Arreola responded, “Fuck you! I don’t give a fuck! Let’s do this right now! I’m ready to die! I don’t give a fuck! Let’s do this!” Arreola repeated himself several times.

Honea again ordered Arreola to drop the gun and surrender, but Arreola yelled, “Just fucking kill me! Let’s do this! Let’s do this right now!” Arreola stood up and pointed a pistol at Honea. Honea ducked out of Arreola’s line of fire by stepping behind the back of the same car Arreola was in front of. Honea yelled to Gonzalez that Arreola had a gun.

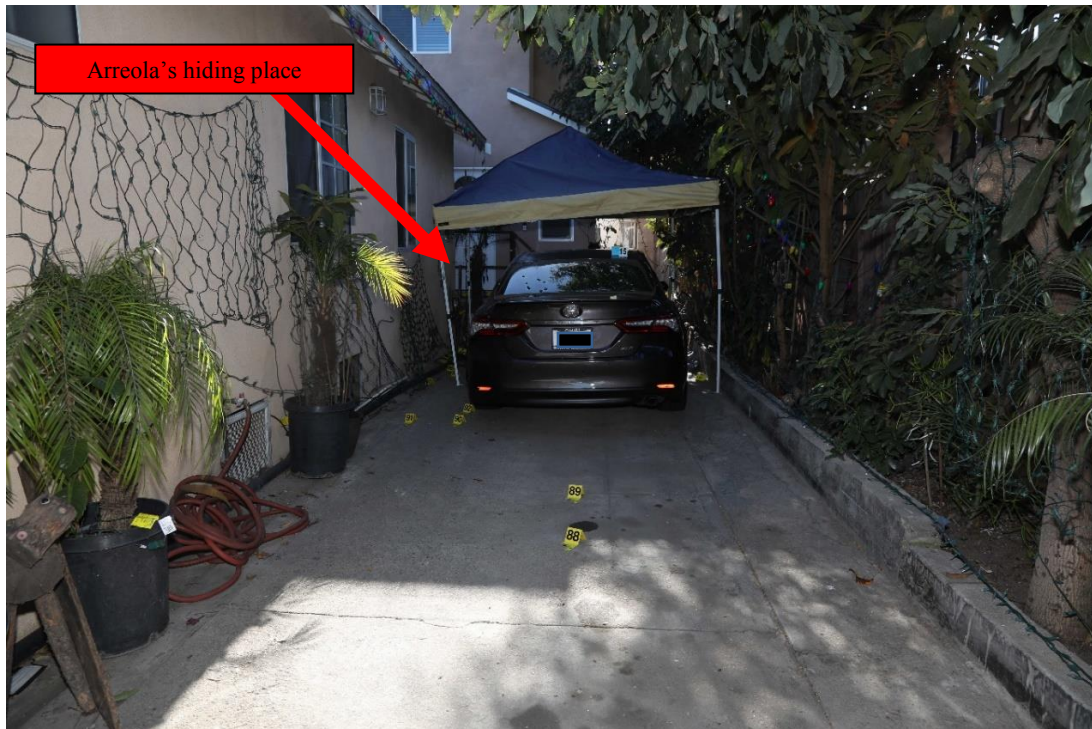


Figure 4. When deputies arrived at the scene, Arreola was hiding in front of this car, which was parked at the south end of the driveway.

Gonzalez heard Honea say that Arreola had a gun. Gonzalez ran to the duplex and as he did so, he saw Arreola crouched next to the driver’s side of the car in the driveway holding a gun. Gonzalez took cover behind a ceramic pot in the northwest corner of the duplex.

Honea broadcast that he and Gonzalez were detaining an armed suspect at gunpoint while Gonzalez continued to tell Arreola to drop the gun and said, “We want to help you.” Arreola responded to Gonzalez by repeating, “Let’s go! Let’s fucking go! Let’s do this! Shoot me! I’m ready!”



Figure 5. Arreola's location behind a ceramic pot at the south end of the driveway.

While Honea and Gonzalez attempted to detain Arreola, the other deputies arrived at the intersection of 104th Street and Burin Avenue. Corrigan and Ibarra found Becerra lying face up in front of the residence at the northeast corner of 104th Street and Burin Avenue. He held a firearm in his left hand and had a single gunshot entry wound to his left ribcage. Becerra was unresponsive and not breathing.¹ A Los Angeles County Fire Department (LACFD) ambulance arrived and LACFD personnel began treating Becerra. Ibarra and Corrigan remained with Becerra.



Figure 6. The medical detritus in the foreground of this photograph marks the location on Burin Avenue where deputies found Becerra when they arrived at the scene. 104th Street is the cross street in the background.

¹ After being transported to Harbor General Hospital, Becerra was pronounced dead due to the gunshot wound to his left chest.

Meanwhile, Honea and Gonzalez continually commanded Arreola to drop the gun and to show his hands. Arreola did not comply with the deputies' commands. Gonzalez heard Arreola stating, "Let's go! Let's fucking go! Let's do this! Shoot me! I'm ready! Come on mother fuckers, I'm ready! Let's do this!"

Honea and Gonzalez relayed via radio that they had a suspect with a deadly weapon detained at gunpoint at the location. Ortiz and Chappell heard over the radio that deputies were detaining a suspect at the duplex, so they ran to the residence. When they arrived, they saw Honea and Gonzalez in the driveway. Honea instructed Arreola to drop the gun and surrender, but Arreola did not comply.

Ibarra and Corrigan heard Honea broadcast that deputies were detaining Arreola at the nearby duplex. In response, Ibarra left Becerra and the LACFD personnel to assist the deputies while Corrigan remained.

Chappell joined Gonzalez on the west side of the driveway. Ortiz saw Arreola behind the parked vehicle at the south end of the driveway, but he was only able to see Arreola's silhouette due to the dark and poorly lit surroundings.

The deputies continually ordered Arreola to surrender when the sound of a single gunshot came from Arreola's direction. Both Gonzalez and Chappell stated Arreola's firearm was pointed in the deputies' direction and that it emitted a puff of smoke although neither deputy saw a muzzle flash.² Fearing for their lives and the lives of their fellow deputies, Gonzales, Honea, and Chappell returned fire.

Corrigan heard a gunshot followed by a volley of gunshots, so he ran to the duplex to assist the detaining deputies.

There was a lull after the initial volley of gunshots and Honea began to retreat from behind the car to a safer location behind the wall of the residence. As Honea stepped from behind the car, he briefly exposed himself without cover or protection. Arreola rose from behind the ceramic pot and pointed a firearm at Honea. In response, Chappell, Corrigan, Gonzalez, and Honea fired their duty weapons at Arreola. Gonzalez fired approximately five to seven times. Honea fired approximately five to six rounds. Corrigan fired approximately five times. There was another pause in the gunfire.

The deputies took more tactically favorable positions on the sidewalk and behind the walls of the residence while Honea retrieved an AR-15 rifle from his patrol vehicle. Chappell moved his patrol vehicle from the east side of the driveway to directly in front of the driveway. The patrol vehicle provided cover from gunfire and Chappell directed the patrol vehicle's spotlights towards the driveway to illuminate Arreola's position. Ortiz positioned himself behind the patrol vehicle's engine on the passenger side and pointed his duty weapon in Arreola's direction in an effort to provide cover for the other deputies as they repositioned. Arreola remained hiding at the end of the driveway on the east side behind a parked vehicle.

² Following the shooting, two semiautomatic handguns were found near Arreola's body.



Figure 7. Chappell positioned this patrol vehicle at the end of the driveway to provide cover for his fellow deputies and to illuminate Arreola.



Figure 8. This aerial photograph shows where Chappell parked his patrol vehicle at the end of the driveway.

While the deputies were repositioning and formulating a plan, Arreola rose to his knees and lifted his left hand, which was empty. Ortiz yelled at Arreola to lay on the ground. Arreola reached to his right, grabbed a firearm with his right hand, and pointed the gun towards the deputies. Ortiz feared for his life and that of his fellow deputies. He fired a single shot at Arreola. Arreola collapsed.

The deputies approached Arreola who was lying on his left side. There were multiple gunshot wounds to his body and he appeared deceased.

Two firearms were located in the ceramic pot adjacent to Arreola and a spring to a handgun magazine was within arm's reach of Arreola. Deputies contacted both the front and rear residences. Everyone inside was unharmed and moved to the front of the residences. The residents stated they heard the gunshots but did not witness the shooting.

Deputies provided medical aid to Arreola until a Los Angeles County Fire Department (LAFD) ambulance arrived. LAFD personnel approached once it was safe to do so. After a brief examination, Arreola was pronounced dead.

Crime Scene Investigation

Following the incident, investigators located expended cartridge cases, bullet fragments, and other evidence on Burin Avenue south of 104th Street. In the middle of the street, two expended cartridge cases and three fired projectiles were found. The west sidewalk and parkway had four expended cartridge cases and one fired bullet. Ten expended cartridge cases were found on the east sidewalk and parkway.

There were numerous bullet holes and bullets on the truck parked in the driveway and apartment building located at the southwest corner of Burin Street and 104th Street. The apartment building sustained a bullet hole in the wall of the second floor. Another bullet hole was found on the first floor living room window. The bullet that caused this hole went through a makeshift wall in the residence and landed in a Stella Rosa container. A fourth bullet hole was on the wall above the garage and a fifth bullet hold was above the garage frame. A final bullet hole was on the east-facing wall of the second floor.

The truck parked in the driveway had a bullet hole on the driver side door panel. The bullet had penetrated the door and landed on the driver side floorboard. An expended cartridge case was found in the pocket panel of the same driver's side door. A second bullet hole was found on the driver side fog lamp. The bullet landed inside the driver's side engine compartment. A third round entered the front, driver side bumper and penetrated the truck and struck the front inner passenger side rim. A fourth bullet hole broke the passenger side front trim and struck the inner passenger side front panel.

These findings were consistent with Arreola and Becerra shooting at a car driving southbound on Burin Avenue and at the apartment building when they ran back north on Burin Avenue. The occupant or occupants of the car were not located or identified.

Arreola was found lying in front of the Toyota Camry parked in the driveway. A beige, two-foot, ceramic pot with a plant was found near Arreola's feet. A disposable cloth mask with a bullet hole, cracked T-Mobile cellphone, unloaded Taurus G2C 9mm handgun, and an unloaded Stoeger Cougar 8040 handgun were found in the pot. The Stoeger Cougar also contained an empty magazine. The Camry had bullet holes in the left-rear trunk area and rear window. A

canvas canopy providing shade for the Camry also had several bullet holes. No spent cartridge cases were found in the area of the body.



Figure 9. Arreola hid behind this ceramic pot during the shooting. Investigators recovered the two firearms pictured above.

Six expended cartridge cases, one bullet, and one magazine were found east of Burin Avenue on 104th Street. These findings were consistent with Arreola shooting at an SUV that struck and ran him over before the deputies' arrival.

It does not appear that Arreola intended to kill Becerra. The available evidence is consistent with Arreola accidentally shooting Becerra as he was firing at the white SUV that crossed through the intersection of 104th Street and Burin Avenue. Becerra was in the background as Arreola fired at the SUV.

Autopsy

On December 22, 2020, Dr. Abubakr Marzouk, deputy medical examiner at the Los Angeles County Coroner's Office, performed an autopsy on Arreola's body. Dr. Marzouk found the following a total of six gunshot wounds: a gunshot wound to Arreola's left forehead, travelling front to back; a gunshot wound to Arreola's right shoulder; three gunshots wound to Arreola's arms; and a through and through gunshot wound to the right side of Arreola's back. Also, Arreola's left big toenail was separate from his toe. This is probably a result of a gunshot wound.

Forensic analysis revealed Arreola's blood was presumptively positive for alcohol, cocaine, and marijuana.

Dr. Marzouk determined Arreola died of multiple gunshot wounds.

On December 29, 2020, Dr. Lawrence Nguyen, a deputy medical examiner at the Los Angeles County Coroner's Office, performed an autopsy on Becerra's body. Dr. Nguyen found that Becerra was killed by a gunshot wound to the left side of his torso. The bullet split into two fragments. The smaller fragment travelled through the aorta to the left L2 vertebral body. The larger fragment travelled through the kidney, colon, liver, and 9th rib, to the right chest wall. The fragments were not compared to Arreola's firearms.

Forensic analysis revealed Becerra's blood was presumptively positive for alcohol and marijuana.

THE LAW

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.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) 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 on 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 is 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).

LEGAL ANALYSIS

The evidence examined shows that Deputy Ortiz, Deputy Chappell, Deputy Corrigan, Deputy Gonzalez, and Deputy Honea were informed there was an armed gunshot victim lying in the street. Upon arrival, the deputies found Becerra dead or dying of a gunshot wound, lying in the street with a firearm in his hand. Next, they saw Arreola hiding behind a car in a long driveway with a gun in his hand. It was reasonable for the deputies to conclude Arreola had murdered Becerra moments before and intended to use a firearm to avoid capture. The deputies instructed Arreola to put down the weapon and surrender. Arreola refused to surrender and told the deputies he intended to engage them in a gunfight.

Arreola pointed his gun at deputies three times. Under these circumstances, it was reasonable for the deputies to believe he intended to shoot them. The fact that Arreola's firearms were later found to be unloaded does not change the analysis. Arreola's lack of compliance, belligerence, and decision to point a firearm at the deputies prior to each of the three separate times the deputies fired at him, made each deputy reasonably conclude the immediate use of deadly force was necessary to defend himself and his fellow deputies against the threat to their lives. Therefore, Deputy Ortiz, Deputy Chappell, Deputy Corrigan, Deputy Gonzalez, and Deputy Honea acted in lawful self-defense and in defense of another when they fired their duty weapons at Arreola.

CONCLUSION

We find that Deputy Ortiz, Deputy Chappell, Deputy Corrigan, Deputy Gonzalez, and Deputy Honea acted lawfully in self-defense and in defense of others when they used deadly force against Moises Arreola.