Fatal Officer Involved Shooting of David Ordaz

Los Angeles County Sheriff's Department

Deputy Edwin Navarrete, #648713
Deputy Nathaniel Trujillo, #617315
Deputy Jaime Romero, #525735

J.S.I.D. File #21-0098

GEORGE GASCÓN

District Attorney

Justice System Integrity Division

November 22, 2022

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
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 David Ordaz
J.S.I.D. File #21-0098
L.A.S.D. File #021-03539-0275-013

DATE: November 22, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 14, 2021, fatal shooting of David Ordaz by Los Angeles County Sheriff's Department (LASD) Deputies Edwin Navarrete, Nathaniel Trujillo, and Jaime Romero. We have concluded that Navarrete acted lawfully in defense of others. We have further concluded that there is insufficient evidence to prove beyond a reasonable doubt that Trujillo and Romero did not act lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting on March 14, 2021, at 3:37 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, video evidence, photographs, and witness statements submitted to this office by LASD Sergeants Ramon Munoz and Robert Martindale. The voluntary statements of the deputies were considered in this analysis.

FACTUAL ANALYSIS

On March 14, 2021, at approximately 1:48 p.m., [redacted] called the East Los Angeles Sheriff's Station and requested guidance on how to deal with a suicidal person. Through questioning, the LASD Law Enforcement Technician (LET) determined that the suicidal person was [redacted]'s brother, David Ordaz, and that Ordaz and [redacted] were seated in Ordaz' car in front of her house on Rowan Avenue in the City of Los Angeles. During the call, [redacted] told the LET that Ordaz was armed with a knife, under the influence of methamphetamine, and had mentioned "suicide by cop." Multiple LASD units responded to the location in marked black and white police vehicles. All involved deputies wore distinct LASD uniforms and were equipped with body worn video cameras (BWV).

LASD Deputy Navarrete was the first to arrive at the location at 1:56 p.m. Navarrete parked his patrol vehicle behind and to the left of Ordaz' car.[1] Approximately seven seconds later, Deputy Lemus arrived and parked his patrol vehicle behind Navarrete's. Navarrete exited his vehicle and ordered Ordaz to step out of his car. Ordaz exited the driver's seat of his car with a steak knife in his right hand. [redacted] exited the passenger side of the vehicle and stood on the east sidewalk of Rowan Avenue.

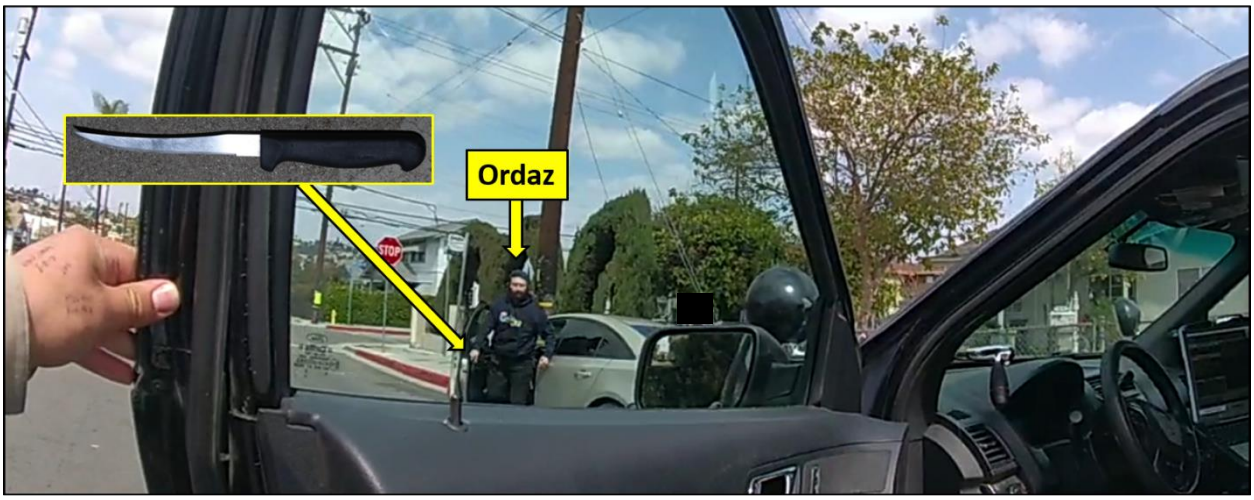

Figure 1 – Image taken from Navarrete's BWV depicting Ordaz exiting his vehicle holding a knife. Inset is a photograph of the knife Ordaz was holding.

Navarrete drew his duty weapon and said, "Hey, put the knife down, dude! Put the knife down!" Lemus drew his duty weapon and stood slightly behind and to the left of Navarrete. As Ordaz stood by his car holding the knife, the deputies told him they were there to help him. Deputy Remin Pineda arrived, drew his duty weapon, and took a position on the passenger side of Navarrete's police vehicle. Lemus radioed dispatch and informed them that they were detaining a man with a knife at gunpoint and requested an airship, "Sam unit," and "less lethal" respond to the scene.[2] The deputies continued ordering Ordaz to drop the knife and assured him they were there to help.

Ordaz' family members began exiting their residence, standing inside a chain link fence that bordered the property. They too began pleading with Ordaz to drop the knife. At one point, Ordaz told the deputies to shoot him, and Pineda responded, "That's not what we want to do, man." Over the next five minutes, deputies and family members continued trying to persuade Ordaz to drop the knife and reassured him that they were there to help. During this time, Deputies Trujillo, Romero, Armando Zamora, Albert Macias, and Joe Magana arrived at the location, as well as Sergeant German Ochoa.

Ochoa took command of the scene by positioning the deputies and assigning them roles, including having Lemus retrieve a less lethal stun bag shotgun from Ochoa's patrol vehicle. At 2:05 p.m., Ordaz walked around the front end of his car and stood in a dirt area between the

[1] The times of events that occurred during the incident were obtained from the deputies' BWV timestamps.
[2] "Sam unit" is the radio code for a field sergeant.

sidewalk and the passenger side of his vehicle. Navarrete, Trujillo, and Pineda had their duty weapons drawn and pointed at Ordaz, while Lemus aimed the stun bag shotgun at him.[3]

Figure 2 – Image taken from Trujillo's BWV depicting Ordaz standing near the passenger side of his vehicle holding a knife. Ordaz' family members are standing nearby.

Ochoa requested another deputy retrieve a second less lethal stun bag shotgun and was told that Zamora was in the process of doing so. Ochoa also requested a "Sam 918" unit respond to the scene.[4] Ordaz continued pacing on the sidewalk area near the passenger side of his vehicle as deputies and family members repeatedly told him to drop the knife. At 2:06:27 p.m., one of Ordaz' family members told the deputies, "He's just high on meth; that's what it is." Trujillo responded that they understood and were trying to help him.

At 2:06:47 p.m., Pineda asked Trujillo, "We have a stun bag guy, right?" Trujillo responded in the affirmative, and Pineda said, "Why don't we use the stun bag? I don't want to fricking shoot this guy." Pineda then told Ordaz, "David, you don't want us to do this to you, man. Your family is here. Look at all these people that care for you, man." Shortly thereafter, Ochoa positioned Zamora, armed with a less lethal stun bag shotgun, to the rear passenger side of a silver Honda Civic parked on the curb of Rowan Avenue. Romero stood to Zamora's left with his duty weapon drawn. Ochoa and Macias stood nearby with their duty weapons holstered.

[3] The stun bag firearm is a Remington 870 shotgun configured with a bright yellow slide handle and stock used to signify that the firearm is for bean bag rounds only.
[4] "Sam 918" is the radio code for a mental health evaluation team (MET), which is a police unit specially trained to assist patrol deputies responding to situations involving persons with mental health issues. Each MET is comprised of a deputy and a Department of Mental Health licensed clinician.

Figure 3 – Photograph of the scene labeled with green figures depicting the approximate locations of Lemus (L), Navarrete (N), Pineda (P), Trujillo (T), Ochoa (O), Macias (M), Romero (R), and Zamora.[5] A white figure shows the approximate location of Ordaz (O).

Deputies and family members continuously spoke to Ordaz, trying to convince him to drop the knife. At 2:09 p.m., Ordaz looked at Zamora and said, "This is your chance for a fucking clear shot, bro." Ochoa responded, "That [stun bag] hurts David; we don't want to use it. You need to drop the knife." Ordaz took a few steps in the direction of the deputies, and Ochoa ordered, "Don't get any closer!" and "Step back!" multiple times. Ordaz responded by stopping and then taking several steps back and forth as Ochoa continued ordering him to back up and not get closer.

Pineda told Trujillo, "He's too close. He's too fucking close!" Shortly thereafter, Trujillo put his left hand on Pineda's shoulder and said, "Let's move back," and Pineda and Trujillo took a few steps backward. Simultaneously, Ordaz took another step toward the deputies, and Ochoa ordered, "Stun bag!" Zamora and Lemus each discharged one round from their stun bag shotguns, striking Ordaz and causing him to step back several feet. Ochoa yelled, "Drop it! Drop it!" Ordaz ignored Ochoa's orders and began running toward Zamora and Romero with the knife in his right hand.

[5] During the incident, the front doors of patrol vehicle 340 were open and provided cover to Navarrete, Pineda, and Trujillo.

Figure 4 – Still image taken from Pineda's BWV depicting Ordaz running toward deputies after being struck by stun bag rounds.

At 2:10:04 p.m., Navarrete and Pineda began discharging their duty weapons, and Lemus and Zamora discharged second rounds from their stun bag shotguns.[6] Ordaz was approximately sixteen feet from Pineda and Trujillo at this time. Ordaz immediately began to fall to the ground.

Figure 5 – Still image taken from Pineda's BWV depicting Ordaz falling to the ground after being shot.

At 2:10:05 p.m., Pineda, Navarrete, Romero, and Trujillo discharged their duty weapons as Ordaz fell to the ground, dropped his knife, and landed on his right shoulder with his back facing the deputies. Navarrete was the first deputy to cease fire, stopping as soon as Ordaz fell to the ground and after discharging three rounds from his duty weapon. Trujillo and Romeo ceased firing next after discharging two and three rounds, respectively.[7]

[6] The timing of the shots fired was estimated by using the sound and muzzle flash of the deputies' firearms during slow-motion replays of their BWV.

[7] Romero's first discharge of his duty weapon can be seen on Macias' BWV. The precise timing of Romero's second and third shots could not be determined due to Macias moving behind Romero, thereby obstructing the BWV's view. Romero's BWV captured the bottom muzzle portion of his duty weapon at times but did not capture all three muzzle flashes.

Figure 6 – Still image taken from Pineda's BWV depicting Ordaz lying on his right side with his back to the deputies. The knife he was holding is now on the sidewalk.

At 2:10:06 p.m., following Trujillo and Romero's final service weapon discharges, Pineda continued to discharge rounds from his service weapon. During this time, Ordaz continued to lie on the ground on the right side of his body. While Pineda was discharging his duty weapon, Ordaz's brother raised his crutch toward Pineda and began to yell at him.

Figure 7 – Still image taken from Pineda's BWV depicting Ordaz' brother pointing a crutch and yelling at Pineda as he continued to discharge his duty weapon.

At 2:10:07 p.m., Ordaz began to roll onto his back as Pineda discharged another round from his duty weapon. Ochoa placed his hand on Trujillo, who was still standing to Pineda's right and said, "Stop. Stop." Pineda then stopped discharging his duty weapon.

At 2:10:08 p.m., Ochoa removed his hand from Trujillo, and Ordaz rolled onto his back with his arms folded across his chest. Pineda then discharged a final round from his duty weapon, slightly over one and a half seconds after firing his previous shot and slightly over three seconds from when Ordaz initially fell to the ground on his right side with his back facing the deputies.

Figure 8 – Still image taken from Pineda's BWV depicting Ordaz' position when Pineda discharged his final round from his duty weapon.[8]

Immediately following the deputy-involved shooting, Ordaz' family members began yelling at the deputies. [redacted] exited the front gate to the property and kicked the knife Ordaz had been holding several feet down the sidewalk. In a subsequent interview, [redacted], explained she wanted to get the knife away from Ordaz so the deputies would quickly approach him and render medical aid. Deputies then approached Ordaz, rolled him onto his side, searched him for weapons, and requested paramedics enter the area.[9]

Approximately three and a half minutes after the deputy-involved shooting, Ordaz' brother told Ochoa, "I understand if you shoot him [and he falls to the ground] … but once he was on the ground you guys shot him four or five times after that."[10] At 2:17 p.m., Magana spoke to [redacted][11] [redacted] explained that Ordaz had been "tripping" since last night and wanted to kill himself. She went to the hospital with Ordaz but he refused to get out of the car and go in, so they returned home. Ordaz began looking at her "strangely," and she started feeling "a bit scared" so she called the police. [redacted] told Magana, "I don't know; I just think it was excessive. All the shooting—the guns that went off, it wasn't necessary. So many. Especially after he had already dropped the knife."

At approximately 2:20 p.m., Ordaz departed via ambulance to the Los Angeles County (LAC) USC Medical Center. Ordaz arrived at approximately 2:31 p.m. and was pronounced dead at 2:39 p.m. by Doctor [redacted].

---

[8] Pineda's BWV timestamp changed to 2:10:09 p.m. as he discharged his final round. At that time, Trujillo and Ochoa's BWV still showed 2:10:08 p.m.
[9] Los Angeles County Fire had previously been notified of the situation and was staged nearby at the time of the incident.
[10] This statement was recorded on Ochoa's BWV.
[11] This conversation was recorded on Magana's BWV.

Evidence Recovered at the Scene and Ballistics

Six cartridge casings headstamped "Federal 45 Auto" and two cartridge casings headstamped "Winchester 45 Auto" that were discharged from Pineda's Glock 41 GEN 4 .45 caliber semiautomatic duty weapon were recovered from the scene.[12] The number of .45 caliber casings recovered is consistent with the round count conducted following the incident that indicated Pineda discharged eight rounds from his duty weapon.[13] Seven cartridge casings headstamped "FC 9mm" were recovered from the scene. Round counts conducted with Navarrete, Romero, and Trujillo's Smith & Wesson M&P9 M2.0 9mm Luger semiautomatic duty weapons indicated they discharged three, three, and two rounds, respectively.[14] Four sock-type bean bags were recovered from the east sidewalk area of Rowan Avenue. Multiple fired bullets and bullet fragments were recovered from various locations at the scene.

The steak knife possessed by Ordaz during the incident was recovered from the east sidewalk on Rowan Avenue. Ordaz' DNA was located on the handle of the steak knife.

Autopsy and Related Ballistics

On March 19, 2021, LAC Department of Coroner Deputy Medical Examiner Doctor Lawrence Nguyen performed a post-mortem examination of Ordaz' remains. Nguyen ascribed the cause of death to multiple gunshot wounds and collected samples for toxicological analysis.

Nguyen observed twelve gunshot wounds and collected eight projectiles. Seven of the eight projectiles were bullets, and one was a lead fragment.[15] Nguyen labeled the entry wounds gunshot wound one (GW1) through gunshot wound 12 (GW12).[16]

Four of the gunshot wounds were classified as immediately life-threatening by Nguyen. GW6 was located in the left back, two inches to the left of midline, and traveled back to front and slightly left to right.[17] The bullet causing this wound was determined to have been fired from Romero's duty weapon. GW7 was located in the right back, two inches to the right of midline, and traveled back to front and left to right with an upward trajectory. The bullet causing this wound was determined to have been fired from Trujillo's duty weapon. GW9 was located in the left cheek and traveled front to back and left to right with an upward trajectory. The bullet causing this wound was determined to have been fired from Pineda's duty weapon. GW12 was

[12] The cartridge casings recovered from the scene were not initially submitted to LASD Scientific Services Bureau for comparison to the deputies' duty weapons. Subsequently, the cartridge casings were submitted, and the results are pending. The .45 caliber cartridge casings can be linked to Pineda because he was the only shooting deputy using a .45 caliber duty weapon on the day of the incident.
[13] A round count is when investigators count the number of rounds remaining in a deputy's duty weapon following a deputy-involved shooting.
[14] One discharged 9mm cartridge casing was not recovered from the scene.
[15] All seven bullets recovered from Ordaz during the autopsy were matched with the respective duty weapon that discharged them through ballistics testing. The lead fragment was unsuitable for comparison. Doctors collected three additional bullets at LAC USC during surgery. These bullets have been submitted for ballistics testing, and the results are pending.
[16] The numbering sequence was used for descriptive purposes and was not intended to convey an opinion as to the order in which the wounds were inflicted.
[17] The spine is the human body's midline.

located in the right chest, six and a half inches to the right of midline, and traveled front to back and right to left. The bullet causing this wound was determined to have been fired from Pineda's duty weapon.

Four of the gunshot wounds were classified as potentially life threatening by Nguyen. GW5, GW10, and GW11 were all located in close proximity to one another, in the left flank between five and six inches to the left of midline. The bullets traveled left to right with an upward trajectory. These bullets were recovered during surgery and ballistics tests are pending. GW3 was located in the left buttock and traveled front to back and left to right with an upward trajectory. The bullet causing this wound was determined to have been fired from Pineda's duty weapon.

Four additional gunshot wounds were classified as not immediately life threatening. GW1 and GW2 were through and through wounds to the left anterior leg and right buttock, respectively. GW4 was located in the left buttock and caused by a bullet fired from Pineda's duty weapon. GW8 was located in the right upper back and was caused by a bullet fired from Romero's duty weapon.

Toxicology results indicated the presence of amphetamine and methamphetamine in Ordaz' blood at the time of the incident.

Deputy Statements

Between March 14, 2021, and March 19, 2021, LASD investigators conducted voluntary interviews with the involved deputies.[18] Deputies provided statements generally consistent with one another and the BWV recordings of the incident. The deputies detailed being informed Ordaz was under the influence of methamphetamine and had previously spoken of committing suicide by cop. They described Ordaz as appearing to be under the influence, agitated, and refusing to comply with repeated orders to drop his knife. Following the deployment of stun bag guns, the deputies described Ordaz' demeanor as "upset," "angry," and "mad" when he ran toward them. Navarrete, Trujillo, Romero, and Pineda were each asked to describe what caused them to discharge their duty weapons:

Navarrete

Navarrete stated that he had never encountered a suspect with a knife who was failing to comply with orders. Navarrete was "nervous" and feared that Ordaz would run toward him. After the stun bags struck Ordaz, he advanced toward the deputies. Navarrete stated, "The way he—I saw him running—he was like, kind of curving his body to like where Deputy Pineda and Trujillo were standing. So, at that point, him holding the knife and advancing towards deputies, I made the decision to fire." Navarrete discharged three rounds from his duty weapon because he believed Ordaz could stab someone and inflict serious bodily injury or death.

[18] These interviews were recorded.

Trujillo

Trujillo stated Ordaz kept moving closer to them, which "makes us uncomfortable because from—from our training we know that covering less than 21 feet, they're pretty much—they could probably cut us or—or kill us in less time than it would take for possibly even getting shot [and falling] down. Trujillo explained what happened after the stun bags struck Ordaz:

> I saw his face look angry. I saw him hunch, and almost, like, he had the resolve now to come at us. He started taking steps towards us, and out of fear … In his right hand was approximately four-inch blade, kitchen knife. I've seen what knives can do to people. I'm well aware … that could kill you or cause serious harm. And he started rushing towards us. So, because I—I didn't wanna get injured, I didn't wanna get killed—at that point, [I] decided to shoot. So, I shot two rounds when I saw him approaching us.

Trujillo stated that he was trained to shoot twice and reassess, "At that point, I didn't see him advancing anymore. And, so after reassessing, I determined I—I didn't need to shoot additional times."

Romero

Romero stated that Ordaz was approximately "two car lengths" away and would have been able to get at them "pretty quickly." He believed Ordaz was closer to him and Zamora than Pineda and Trujillo. Romero said, "[H]e could easily get to us within a second. It's very quick, the—the distance we were to him, and I'm thinking this guy's gonna—this guy's gonna stab us 'cause my partners shot him with a stun bag which obviously made him angry. And this guy's gonna come stab us wherever he can." Romero stated, "And he started like lunging towards us. So, fearing that this guy's gonna stab me or kill us, you know, I fired three rounds, striking him in the chest area, center of body mass, to the point where his forward progress stopped. So that caused him to—to fall back."

Pineda

During the incident, Pineda considered using less lethal options, such as his Taser, drawing it at one point. However, Pineda has seen the Taser "fail" numerous times in the past, and because Ordaz had a "huge" knife and other deputies present had less lethal weapons, he chose to arm himself with his duty weapon. Pineda thought Ordaz was "getting too close" and feared he might run at him and attempt to stab him. Being struck by the stun bags appeared to anger Ordaz, and he ran toward him. Pineda explained:

> I thought he was gonna come and stab me. I—I just felt my heart rate go up, and I thought this guy was gonna really—like, I guess this is it. I guess he's gonna try to kill me. And I—I reacted to that situation, and I wanted to stop the threat. I wanted to stop him from even trying to hurt me, or stab me, or cut me. So, I started shooting my Glock 41 at him, which ended up being approximately six, seven rounds at first. I remember seeing him fall to the ground, but I didn't see the knife fly off anywhere … I didn't see

> him throw it anywhere … [W]hile still looking at him, still pointing my gun at him . . . [it] looked like he was gonna sit up and try to come back at us. Also, going through my head was like, you know what, this guy … looks a little 11550. So, I know sometimes, these guys can get back up without—without even feeling the—these rounds getting hit—hitting these guys. So, I felt like he was gonna get back up, grab that knife, and try and stab me again, try to cut me. So, I shoot—shot one more round. Then, all of a sudden, I saw him lay down, and I realized, okay, I stopped the threat.

Investigators specifically asked Pineda why he continued to fire after Ordaz was on the ground with his back to him, Pineda responded, "Even though he did fall down, until he stopped moving, I didn't feel he—the threat has been neutralized yet. Then I saw him try and sit up again. That's when I re-shot the last shot."

Pineda estimated Ordaz was approximately five to seven feet from him when he first discharged his weapon and eight to nine feet when he fired his last round. Pineda stated he remembered Ordaz' family being "aggravated" and pointing at him specifically. Ordaz' brother asked him, "Why so many? Why so many?" Pineda stated, "I couldn't have any answer for him."

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.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. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

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).

<u>Reasonable Belief</u>

The reasonableness of an officer's use of deadly force is analyzed using a reasonable officer standard. Penal Code section 835a(a)(4). 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.

Necessary

Penal Code section 835a does not define the word necessary. The word necessary can be subject to various legal meanings. *See, e.g., Westphal v. Westphal* (1932) 122 Cal.App. 379, 382 (the word necessary may import absolute physical necessity or that which is appropriate, suitable, proper, or conducive to the end sought). When statutory language is subject to more than one reasonable interpretation, courts will look to extrinsic evidence, such as the legislative history, to determine the legislative intent. *John v. Superior Court* (2016) 63 Cal.4th 91, 96. Prior to Penal Code section 835a's final passage, the legislature removed the definition of necessary, which had included the requirement that "there was no reasonable alternative to the use of deadly force." *See generally,* A.B. 392, 2019-2020 Leg. Reg. sess. (Cal. 2019). Penal Code section 835a currently states, "In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).

Imminent Danger

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).

Totality of the Circumstances

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).

In this case, deputies responded to a call of a suicidal man with a knife. The deputies were informed that Ordaz had discussed suicide by cop previously and that he was under the influence of methamphetamine. When they arrived, Ordaz exited his vehicle armed with a knife. Deputies repeatedly ordered Ordaz to drop the knife and attempted to deescalate the situation by trying to talk and reason with Ordaz. Deputies requested that a mental health team and deputies possessing less lethal bean bag shotguns respond to the location.

Ordaz refused to drop the knife he was holding and began walking closer to the deputies despite repeated orders to keep his distance. Eventually, Ordaz stepped closer to the deputies, and Ochoa ordered that stun bags be deployed. Multiple stun bags struck Ordaz but were ineffective, and Ordaz aggressively ran toward the deputies while holding the knife. Navarrete, Pineda, Trujillo, and Romero each discharged multiple rounds from their duty weapons at Ordaz. At this time, it was reasonable for the deputies to fear for their lives and the lives of the other deputies nearby. It was also reasonably necessary for them to discharge their duty weapons given the failure of previous efforts to deescalate, the ineffectiveness of their prior attempt to use less than lethal force, and the imminent danger that Ordaz now posed.

Ordaz fell to the ground, dropped the knife, and landed on his right side with his back facing the deputies. Navarrete quickly ceased firing, while Trujillo, Romero, and Pineda each discharged additional rounds as Ordaz laid on the ground. Although Ordaz was no longer a threat when these rounds were fired, the discharges occurred within one second of Ordaz falling to the ground. The short time lapse between Ordaz falling to the ground and the deputies' shots is consistent with them perceiving the threat posed by Ordaz, making the decision to discharge their service weapons, pulling their triggers, perceiving Ordaz was no longer a threat, and making the decision to stop discharging their service weapons. As such, the People would be unable to prove beyond a reasonable doubt that the discharges by Trujillo, Romero, and Pineda at this time were unreasonable. Thereafter, Trujillo and Romero ceased firing, while Pineda continued to discharge four additional rounds from his duty weapon over the course of the next two seconds.[19]

CONCLUSION

We find that Deputy Edwin Navarrete acted lawfully in defense of others when he used deadly force upon David Ordaz. We further conclude that there is insufficient evidence to prove beyond a reasonable doubt that Deputies Nathaniel Trujillo and Jaime Romero's use of deadly force was unreasonable and unnecessary.

[19] On November 9, 2022, Pineda was charged in case number BA510459 with one count of assault with a semiautomatic firearm in violation of Penal Code section 245(b) and one count of assault by a public officer in violation of Penal Code section 149.