

**Fatal Officer Involved Shooting of Marvin Cua  
Los Angeles Police Department**

**Officer Christopher Jongsomjit, #37243**

**J.S.I.D. File #22-0177**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**November 27, 2024**

**MEMORANDUM**

TO: CAPTAIN OMAR BAZULTO  
Los Angeles Police Department  
Force Investigation Division  
100 West First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT: Fatal Officer Involved Shooting of Marvin Cua  
J.S.I.D. File #22-0177  
F.I.D. File #F020-22

DATE: November 27, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 2, 2022, fatal shooting of Marvin Cua by Los Angeles Police Department (LAPD) Officer Christopher Jongsomjit. It is our conclusion that Officer Jongsomjit acted lawfully at the time he fired his weapon.

The District Attorney's Command Center was notified of this shooting on June 2, 2022, at approximately 10:31 a.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on reports and materials submitted to this office on April 20, 2023, by Detective Franklin Chen of the LAPD, Force Investigation Division. The materials included reports, witness statements, body worn camera video (BWV), and third-party video. Jongsomjit's departmentally compelled statement was not considered in this analysis. Other officers' departmentally compelled statements were considered.

**FACTUAL SUMMARY**

On June 2, 2022, between approximately 7:30 and 8:00 a.m., [REDACTED] was standing in the front lobby of an apartment building near the intersection of Berendo Street and 8th Street in Los Angeles. He observed Marvin Cua spray painting gang-related graffiti on a wall across the street.<sup>1</sup>

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<sup>1</sup> Cua spray painted "MSX3" and "Leeward" on the wall, both referring to Mara Salvatrucha, or MS-13, a criminal street gang.

█████ observed Cua approach the group of juveniles, raise his shirt, and display a handgun in his waistband. ██████ observed Cua punch one of the juvenile’s in the face. The juvenile walked away and Cua followed him, shouting. ██████ called 9-1-1. LAPD Communication broadcast a radio call for an “ADW”<sup>2</sup> suspect.

At approximately 8:00 a.m., ██████ was sitting in her vehicle parked on the east side of Berendo Street near the intersection with 8<sup>th</sup> Street. Cua approached her vehicle and, unprovoked, kicked her vehicle while shouting profanities. ██████ observed Cua approach a group of male juveniles walking on Berendo Street and heard Cua shout, “Fuck 18! Get out of my street!”<sup>3</sup>

LAPD Officers Christopher Jongsomjit and Jimmy Gov responded. Jongsomjit unholstered his duty weapon before he exited the police vehicle. Jongsomjit exited his police vehicle and shouted at Cua to stop. Cua immediately fled, running southbound on Berendo Street. As he ran, Cua retrieved a black handgun from his waistband.



Still image from Jongsomjit’s BWV showing Cua running with a firearm in his right hand.

Jongsomjit chased after Cua. As Cua approached the corner of a business just north of 8<sup>th</sup> Street, Jongsomjit fired a single round from his duty weapon, striking Cua in the back.

<sup>2</sup> Assault with a Deadly Weapon.

<sup>3</sup> “Fuck 18” refers to the 18<sup>th</sup> Street criminal street gang.

Cua

Jongsomjit



Still image from Jongsomjit's BWV at the time he fired his weapon.

Cua ran for approximately 50 feet and collapsed in a parking lot.

LAPD officers approached Cua and performed lifesaving measures. Los Angeles Fire Department (LAFD) personnel arrived and performed lifesaving measures, however, Cua was pronounced deceased at approximately 9:08 a.m.

Investigators recovered a Browning Buckmark .22 caliber semiautomatic handgun underneath Cua's body. The firearm was loaded with two rounds in the magazine and one round in the firing chamber. Firearms analysis determined the firearm was not functional due to debris lodged in between the slide and the frame. Firearms analysts disassembled and reassembled the firearm and found it to be functional. Analysis of DNA found on the firearm was consistent with Cua's DNA.



Still photograph of Cua's firearm.

Jongsomjit was armed with a department-authorized Glock Model 21 .45 caliber semiautomatic pistol. He discharged one round during the incident.

On June 3, 2022, an autopsy was conducted and the medical examiner determined that Cua died as a result of a gunshot wound to the back. A toxicology analysis was conducted and detected the presence of cannabinoids, amphetamines, and methamphetamines in Cua's blood.

#### **WITNESS STATEMENTS**

■■■■

■■■■ gave a statement to LAPD Detectives Franklin Chen and Jennifer Kim on June 2, 2022. ■■■■ stated that on June 2, 2022, she parked her car on Berendo Street near a bicycle. Cua approached her vehicle and kicked the passenger side of her vehicle and shouted, "You fucking bitch." Cua then approached a group of juveniles that were walking down the other side of the street and shouted, "Fuck 810!" Cua walked over to the group of juveniles and punched one of them in the face. Cua lifted his shirt. All but one of the juveniles ran away. The remaining juvenile spoke with Cua and then walked towards 8<sup>th</sup> Street and turned the corner. Cua followed him. ■■■■ exited her vehicle and went inside a residence nearby. A short time later, ■■■■ exited the residence and observed Cua speaking calmly with another person across the street. She heard police sirens and went back inside her residence. She did not witness or hear any gunshots.

■■■■

■■■■ gave a statement to Chen and Kim on June 2, 2022. ■■■■ stated he was in the lobby of an apartment complex on June 2, 2022, between approximately 7:30 and 8:00 a.m. ■■■■ observed Cua spray painting gang graffiti on a wall. ■■■■ observed a group of juveniles across the street from Cua. Cua shouted at the group, yelling gang-related statements. ■■■■ observed Cua raise his shirt and display a black handgun tucked into the front of his (Cua's) shorts. Cua punched one of the juveniles in the face. Cua and the juvenile walked southbound on Berendo Street and turned westbound on 8<sup>th</sup> Street. ■■■■ called 9-1-1.

A short time later, █████ observed Cua at the corner of Berendo Street and 8<sup>th</sup> Street outside of a liquor store. █████ called 9-1-1 again and advised the operator that Cua had returned to the location. █████ observed police officers arrive and tell Cua to drop the gun. Cua ran away from the officers. One LAPD officer fired his weapon and █████ believed that the round struck Cua in the back. Cua ran a short distance and fell down in a parking lot out of █████'s sight.

█████

█████ gave a statement to Chen on June 2, 2022. █████ stated he was near the intersection of New Hampshire Avenue and 8<sup>th</sup> Street when he observed an LAPD officer on a bicycle suddenly get off his bicycle and draw his service weapon. █████ observed three LAPD police vehicles arrive at the scene. █████ heard the officers shout, "Drop the weapon." █████ heard a single gunshot, but did not observe the shooting itself. █████ observed Cua laying on the ground.

█████

█████ gave a statement to LAPD Detectives Melissa Valdes and Brian Smith on June 2, 2022. █████ was in the parking lot on the northeast corner of 8<sup>th</sup> Street and Berendo Street, standing outside of his truck. █████ stated he saw a man, later identified as Cua, running towards the parking lot. An LAPD officer chased Cua. █████ heard the officer tell Cua to stop. Cua continued to run and retrieved a firearm, and █████ observed the LAPD officer shoot Cua. He heard one shot. █████ was approximately eight feet away from Cua when the shot was fired. Later in his interview █████ stated that he was unsure of who fired the gunshot. █████ observed Cua fall onto the ground in the parking lot.

## **LAW ENFORCEMENT STATEMENTS**

### *LAPD Officer Jimmy Gov*

Gov gave a statement regarding the incident to Kim and LAPD Detective Brian Smith on June 2, 2022. Gov stated his partner on June 2, 2022, was Jongsomjit. Gov was driving a marked LAPD police vehicle and Jongsomjit was the passenger. They responded to a radio call regarding an assault with a deadly weapon suspect near the intersection of 8<sup>th</sup> Street and Berendo Street. While en route to the scene, Jongsomjit read aloud the comments of the radio call that included a description of the suspect and that the suspect was armed with a handgun in his waistband. When they arrived at the scene, Jongsomjit opened the passenger door of the police vehicle and gave the suspect, later identified as Cua, commands. Gov parked the police vehicle and exited the car. As he exited, the vehicle keys fell to the ground. Gov retrieved the vehicle's keys and ran after Jongsomjit, who was chasing Cua. Gov heard Jongsomjit say, "He's reaching for his waistband." Gov heard a loud bang and initially was unsure whether Jongsomjit or Cua had fired a weapon. Jongsomjit told Gov to put out a radio call for help, and Gov radioed for help. Gov observed Cua lying facedown in the parking lot.

## 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 available evidence in this case indicates that Jongsomjit was confronted with a rapidly escalating situation. Cua fled immediately upon being contacted by Jongsomjit, ignored commands to stop, and instead produced a firearm that he had previously brandished at another person. Cua was running towards a heavily populated area during a busy time of the day. Jongsomjit knew from the radio call that Cua had previously brandished a firearm and assaulted another person.

Based on the totality of the circumstances, a reasonable officer in Jongsomjit's situation could have reasonably believed that Cua had the present ability, opportunity, and intent to cause another person death or serious bodily harm, and reasonably believed that deadly force was necessary to prevent such harm. Cua had already displayed a firearm at and assaulted another person, and, instead of stopping in compliance with Jongsomjit's commands, produced a firearm while running towards a heavily populated area at a busy time of day.

## **CONCLUSION**

Jongsomjit acted lawfully when he fired his duty weapon.