

**Fatal Officer Involved Shooting of Llovahnii Luna
Los Angeles Police Department**

**Officer Daniel Cardenas, #40516
Officer Kevin Martinez-Barajas, #44840**

J.S.I.D. File #22-0314



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 Llovahnii Luna
J.S.I.D. File #22-0314
L.A.P.D. File #F046-22

DATE: November 27, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 11, 2022, fatal shooting of Llovahnii Luna by Los Angeles Police Department (LAPD) Officers Daniel Cardenas and Kevin Martinez-Barajas. We have determined that insufficient evidence exists to prove beyond a reasonable doubt that Cardenas and Martinez-Barajas did not act in lawful self-defense/defense of others when they each fired their duty weapon.

The District Attorney's Command Center was notified of this shooting on September 11, 2022 at approximately 4:54 a.m. The District Attorney Response Team responded to the scene and was given a briefing and walk-through by Lieutenant Alisha Jordan of LAPD.

The following analysis is based on reports and other materials, including recorded interviews, photographs, video recordings including BWV, and radio communications submitted to this office by LAPD Force Investigation Division (FID) on March 7, 2023. No compelled statements were considered in this analysis.

FACTUAL ANALYSIS

On September 11, 2022, at approximately 3:25 a.m., near South Rampart Boulevard in the city of Los Angeles, Luna approached a male (later identified as ██████) and asked him "Where you from?" Luna then fired two shots, striking ██████ in the groin and right knee.¹

Moments later, LAPD Officers Cardenas and Martinez-Barajas were on patrol, inside their marked patrol vehicle, and stopped at a red light on Rampart Boulevard, north of 6th Street.²

¹ Investigators later determined that this shooting occurred 170 feet away from the traffic light at Rampart Boulevard and 6th Street.

² Martinez-Barajas was the driver and Cardenas was the passenger.

While at the light, the officers observed a male (later identified as Llovahnii Luna) running in their direction and holding a firearm in his right hand.

Cardenas exited the vehicle and ordered Luna to stop running. Luna did not comply and ran north on Rampart Boulevard. Cardenas fired several shots in Luna's direction. Luna was not struck by the gunfire and continued to run as the officers pursued on foot. Luna then raised his firearm as he turned to face the officers. The officers both immediately fired, striking Luna, and causing him to fall to the ground in front of [REDACTED] South Rampart Boulevard.

Luna was pronounced dead at the scene at 3:43 a.m. by Los Angeles City Fire Department paramedics.

On September 13, 2022, an autopsy of Luna was conducted by Deputy Medical Examiner (DME) Marina Kennedy, who determined the cause of death to be two gunshot wounds to the chest.



Luna's 9mm Luger was recovered and photographed at the scene.

Statement of [REDACTED]

On September 11, 2022, LAPD investigators interviewed [REDACTED]³ [REDACTED] stated that at around 3:30 a.m., he was outside his home on South Rampart Boulevard drinking beers and talking to a friend. He stated he suddenly saw a man (later identified as Luna) with a black hoodie and a black gun. [REDACTED] explained, "I was about to go in (inside his residence), I just heard, 'Hey, where

³ This interview along with all others referenced in this memorandum was recorded.

you from?’ And when I turn [sic] I just heard the shots and that was it.”^{4,5} [REDACTED] said he was shot in both the groin and right knee.

[REDACTED] said that he ([REDACTED] was “from [REDACTED],” went by the moniker “[REDACTED],” and had a tattoo of an “[REDACTED]” and “[REDACTED]” on his neck near his right ear. He said that he is no longer an active member of the gang.

Statement of [REDACTED]

On September 11, 2022, LAPD investigators interviewed [REDACTED] stated that at the time of the incident, he was at his residence overlooking Wilshire Boulevard. [REDACTED] explained that he was watching television when he heard gunfire. He looked out the window, saw a police car at the intersection of Rampart Boulevard and 6th Street with its doors open. [REDACTED] stated he observed what he believed to be “police officers and they [sic] catching someone.” [REDACTED] used his cellphone to record Luna running across Rampart Boulevard while being pursued by officers. [REDACTED] provided the recording to investigators.

Statement of [REDACTED]

On September 11, 2022, LAPD investigators interviewed [REDACTED]. [REDACTED] stated that he was near the bus bench on the corner of 6th Street and Rampart Boulevard. He said that he heard the “driver officer” tell Luna to stop, but Luna ran away. [REDACTED] then heard two gunshots. He explained that “two seconds later,” he heard four more gunshots.

Statement of [REDACTED]

On September 27, 2022, LAPD investigators interviewed [REDACTED] stated that at the time of the incident he was standing near South Rampart Boulevard and 6th Street. He said that Luna was running towards him and two officers were chasing after Luna. [REDACTED] stated that he heard the officers yell, “Stop. Freeze.” [REDACTED] believed that Luna “shot one handed” at both of the officers. He said that the officers fired approximately two rounds at Luna.

Video Recordings

During the incident, Cardenas and Martinez-Barajas wore body worn video (BWV) devices. Both BWVs depict the approximately one-minute-long encounter between the officers and Luna. However, there is no audio until the officers are well into their foot pursuit of Luna.⁶ Other responding officers were also equipped with BWV devices. Cardenas and Martinez-Barajas’ patrol vehicle was equipped with a forward-facing camera which did not capture any of the incident.

⁴ “Where you from?” is a question that gang members may ask to establish their gang's authority in a given area.

⁵ According to investigators, Luna was a previously documented gang member of the Mid-City Stoner criminal street gang.

⁶ Per AXON (the device manufacturer), the system does not capture audio in “buffering” mode, so the first 30 seconds of a recorded event will be video-only.

During the investigation, video was also obtained from security cameras, a cellphone, and a civilian dash camera. Security camera video footage from a nearby business, captured images of the west crosswalk of 6th Street and Rampart Boulevard. Security camera video footage from another business, captured images of the front entryway and west sidewalk of Rampart Boulevard. Cellphone camera footage provided by █████ captured images and sounds from the open window of his apartment. An individual only known as “█████” provided a Secure Digital (SD) card from the dash camera of his parked vehicle, which captured portions of the shooting and the sound of gunfire.

The following is a timeline of the incident derived from the combined video recordings obtained during the investigation:

At 03:24:00, Luna walks south on the west sidewalk of Rampart Boulevard and crosses 6th Street.

At 03:24:48, Luna produces a handgun with his right hand and shoots █████ twice. Luna runs north from the location on the west sidewalk.

At 03:24:50, Cardenas is seated in the front passenger seat of the patrol vehicle with his right forearm resting over the open window frame. The vehicle is approaching 6th Street.

At 03:24:53, Martinez-Barajas shifts the vehicle into park and exits while leaving the keys in the ignition. He then reached back in and removes the keys.

At 03:24:54, Cardenas grabs the vehicle’s radio mic and requests backup.

At 03:24:59, Cardenas unholsters his firearm and holds it with a two-hand grip in front of his body. Luna can be seen running north on the west sidewalk of Rampart Boulevard as Cardenas and Martinez-Barajas pursue him.

At 03:25:00, Cardenas fires three rounds at Luna as Luna continues running. Cardenas and Martinez-Barajas continue the pursuit. Cardenas fires another round as Luna runs along the sidewalk. Martinez-Barajas unholsters his weapon while running near █████ South Rampart Boulevard.

At 3:25:24, Cardenas yells, “Hey drop it!” Martinez-Barajas yells, “Drop it.” Luna appears to be facing both officers. Cardenas fires two rounds at Luna. Martinez-Barajas fires six rounds at Luna.

At 3:25:30, Cardenas broadcasts, “Officer needs help, shots fired. We have a suspect down. 504 South Rampart.” Martinez-Barajas gives Luna commands to put his hands out to his sides. Cardenas requests an ambulance and both officers remain and wait for backup.

At 3:29:10, responding Officer Aristoe Garcia, approaches Cardenas and asks, “Are you good?” to which Cardenas replies, “I don’t know. I think he shot at me.” After Luna was handcuffed,

Officer David Cuellar and Officer Emanuel Ramirez roll Luna onto his side. Luna's handgun is visible on the ground underneath his torso.⁷

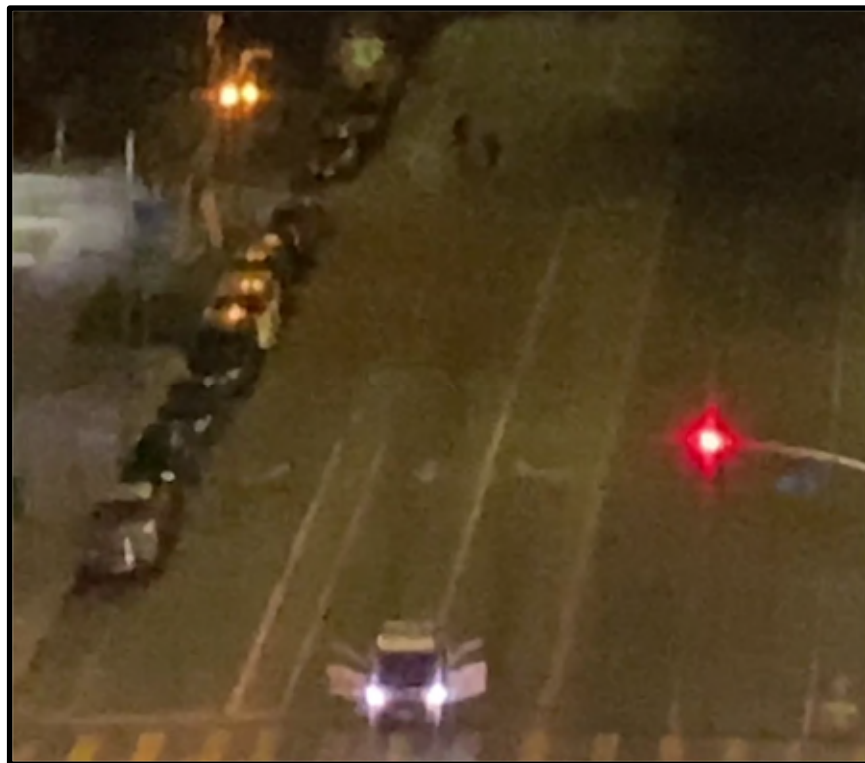


A still image of Luna walking towards [REDACTED] before firing at him.

⁷ Cardenas was not injured during the incident. There was no ballistic evidence to indicate that Luna fired at Cardenas.



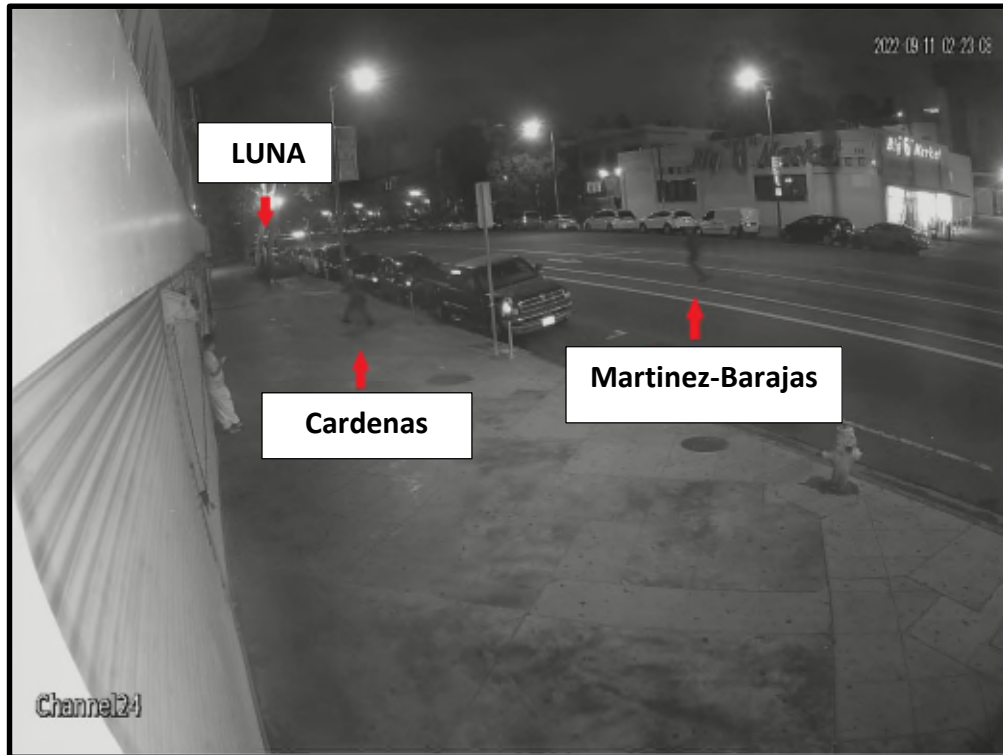
A still image of Luna and [REDACTED] moments before the shooting.



A still image from [REDACTED]'s cellphone of Cardenas and Martinez-Barajas (top) in pursuit of Luna. The patrol vehicle (bottom) can be observed parked, with both doors open and facing West 6th Street.



A still image from Cardenas' BWV as he fired at Luna (left).



A still image depicting the parties' relative positions at the time Cardenas fired a fourth round.



An enhanced still image from Martinez-Barajas' BWV as he fired at Luna (center).

Ballistics

LAPD investigators canvassed the scene and determined that there was no ballistic evidence indicating Luna discharged his handgun at the officers. Two spent cartridges from Lunas's handgun were recovered from the sidewalk of [REDACTED] South Rampart Boulevard. Lunas 9mm handgun contained no serial number and was determined to be a "ghost gun." A 15-round capacity magazine was inserted. A total of 13 live rounds were found in the firearm.

Each officer was later determined to have fired six rounds from their respective department issued firearms. The distance between the officers and Luna as they fired the final shots was later determined to be decreasing from 52 to 46 feet. The autopsy stated that two bullets entered Luna's body at the right chest with a trajectory of right to left and front to back. Ballistic test fires later matched both of these bullets to Martinez-Barajas' firearm.

LEGAL ANALYSIS

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or 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(b), (c)(1)(A), and (c)(1)(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).

“Totality of circumstances” means 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. 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) and (e)(3).

To prove Cardenas and Martinez-Barajas committed an unlawful homicide by firing their service weapons, the People must prove beyond a reasonable doubt that they did not act in response to an apparent deadly threat. If Cardenas and Martinez-Barajas reasonably believed that the use of deadly force was necessary when they fired their weapons, then insufficient evidence exists to prove beyond a reasonable doubt that they did not act in self-defense. This analysis relies on percipient witness statements, LAPD communication logs and video evidence. Without the benefit of the first 30 seconds of BWV audio, or statements from the officers themselves, other evidence was examined in order to determine whether the officers’ use of deadly force was necessary.

The BWVs depict the patrol vehicle passenger window open at the time Luna shot [REDACTED]. The distance from the shooting location to the patrol vehicle was determined to be 170 feet away. Based on the position of the vehicle and location of the shooting, the officers could have heard but not seen the gunfire. Within seconds after the shooting, Martinez-Barajas shifted the vehicle into park and Cardenas grabbed the vehicle’s radio mic to request backup. Moments later, Luna ran past the patrol vehicle. The officers pursued Luna ordering him to stop. Despite these commands and multiple shots fired by both officers, Luna continued to evade and resist. Luna was shot and killed when he turned to face the officers while still holding his firearm.

BWV, ballistic and autopsy evidence confirm that Luna was facing the officers while still holding his firearm at the time he was fatally shot. Later, at the scene, Cardenas told a responding officer, “I think he shot at me.”

Despite the fact that there is no supporting evidence to show that Luna fired at the officers, it cannot be disproved beyond a reasonable doubt that the officers believed Luna fired at them as he fled. Because of the officers’ proximity to the initial shooting, a reasonable inference also exists that the officers believed that Luna had just shot and wounded or killed someone as they saw him run past them while disobeying their commands to stop. Penal Code § 835 et seq. allows officers to use deadly force in self-defense against an imminent threat or to apprehend a fleeing felon where the underlying offense resulted in serious bodily injury. Neither theory can

be disproved beyond a reasonable doubt, even if the officers did not visually observe the shooting of [REDACTED]

Because one reasonable interpretation of the evidence leads to the conclusion that Cardenas and Martinez-Barajas acted in response to an imminent threat or to apprehend a fleeing felon, insufficient evidence exists to prove beyond a reasonable doubt that they did not act lawfully when they shot Luna.

CONCLUSION

Insufficient evidence exists to prove beyond a reasonable doubt that Cardenas and Martinez-Barajas were not acting in lawful self-defense and defense of others, or were attempting to lawfully apprehend a fleeing felon who posed a risk of imminent death or serious bodily injury unless apprehended when they shot at Luna.