

**Officer Involved Shooting of Luis Martinez**  
**Los Angeles Police Department**

**Officer Rudolph Rivera, #34735**

**Officer Ricardo Huerta, #34863**

**Officer Aldo Quintero, #40949**

**J.S.I.D. File #15-0192**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**August 11, 2016**

## MEMORANDUM

TO: COMMANDER ROBERT A. LOPEZ  
Los Angeles Police Department  
Force Investigation Division  
100 W. First Street, Suite 431  
Los Angeles, California 90012

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

SUBJECT: Officer Involved Shooting of Luis Martinez  
J.S.I.D. File #15-0192  
F.I.D. File #031-15

DATE: August 11, 2016

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 21, 2015, fatal shooting of Luis Martinez by Los Angeles Police Department Officers Rudolph Rivera, Ricardo Huerta and Aldo Quintero. It is our conclusion that the officers acted in lawful self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting on April 21, 2015, at approximately 5:13 p.m. The District Attorney Response Team responded and was given a briefing and a walk-through of the scene.

The following analysis is based on reports prepared by the Los Angeles Police Department (LAPD), submitted to this office by detectives with the LAPD Force Investigation Division. Officer Rivera's compelled statement was considered as part of this analysis. Officers Huerta and Quintero's compelled statements were not considered as part of this analysis.

### FACTUAL ANALYSIS

On April 21, 2015, at approximately 4:25 p.m., Monica Ramirez telephoned 9-1-1 to report that her husband, Luis Martinez, had stabbed himself with a knife. Ramirez stated that Martinez was depressed and in need of emergency medical treatment.<sup>1</sup> Ramirez told investigators that she had entered their bedroom and observed Martinez seated in his wheelchair with the front of his shirt covered in blood and a kitchen knife lying across his lap. Martinez refused to go to the emergency room. Ramirez removed the knife from Martinez and placed it on the kitchen counter before calling for an ambulance.

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<sup>1</sup> Martinez sustained a broken hip on January 22, 2015, when he fell three floors to the interior courtyard at his apartment complex. It is unclear whether he intentionally jumped or accidentally fell over the railing. Martinez was unable to work and his unemployment benefits were ending soon. Martinez used a wheelchair during his recovery, but was not paralyzed.

LAPD Officers Aaron Skiver and Ricardo Huerta were working uniformed patrol when they received a radio call of an attempted suicide at 3414 Manitou Avenue, Apartment 403, in the City of Los Angeles. The call indicated that Martinez had stabbed himself, but was no longer armed. The officers responded to the location and met with LAPD Officer Aldo Quintero. Skiver pried open an exterior stairwell door to gain entry into the secured complex. Skiver and Quintero proceeded up to the fourth floor while Huerta remained at the stairwell door to allow additional responding officers access into the complex.

Skiver and Quintero reached the fourth floor and observed Ramirez waving at them on the opposite side of the exterior walkway.<sup>2</sup> The officers met Ramirez outside of her apartment and briefly discussed what had happened with her husband. Skiver confirmed that Martinez was no longer in possession of the knife. Skiver and Quintero stepped into the threshold of the apartment and observed Martinez seated in a wheelchair in the living room facing the front door.<sup>3</sup> Martinez did not have anything in his hands. A substantial amount of blood covered his shirt from the middle of his chest down to his waistline. Martinez was in obvious need of medical attention and Skiver approached him in order to render aid. Quintero remained in the kitchen.

Skiver asked Martinez what was wrong and where he was injured. Martinez did not answer him. As Skiver came within five feet of Martinez, Martinez pushed himself backwards in the wheelchair with his feet until he was stopped by a sliding glass door. Skiver continued to approach Martinez and told him that he was there to help him. Martinez reached beneath his right thigh and removed an eight and a half inch knife that he had been concealing. Martinez pointed the knife at Skiver. Skiver announced, "He's got a knife! He's got a knife!" and stepped back into the kitchen.<sup>4</sup> In fear for his safety, Skiver and Quintero drew their service weapons and pointed them at Martinez. The officers escorted Ramirez from the apartment and took cover behind the front doorframe.

Martinez stood up from the wheelchair and walked toward the officers with the knife extended in his hand. He stopped when he reached the couch and stared at the officers. It appeared to Skiver that Martinez was trying to decide what to do next. Martinez walked backward to his wheelchair and sat back down. A few moments later, Martinez stood up again and approached the officers with the knife still pointed in their direction. Skiver repeatedly ordered Martinez to drop the knife in English while Quintero gave similar orders in Spanish. The officers also attempted to reassure Martinez that they were there to help him and nobody wanted to hurt him. Martinez never said anything to the officers and did not comply with their orders.

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<sup>2</sup> The four-story building surrounds an open air courtyard. A walkway runs in front of those units that open up onto the courtyard. Apartment 403 is located on the back side of the building and does not face the courtyard. A short corridor connects the main walkway to a ten foot landing. The front door to the apartment is located on the left side of the landing and a small alcove is located on the right side of the landing.

<sup>3</sup> The front door opens up into a small kitchen area. A kitchen table sits just inside the front of the door. The kitchen table abuts against the back of a couch that faces into the living room. There is a hallway on the left side of the living room that leads to several bedrooms and a bathroom.

<sup>4</sup> The investigation determined that the knife Martinez had in his wheelchair was not the same knife he initially used to stab himself. The knife taken from Martinez by Ramirez was recovered from the kitchen countertop.

By that time, Huerta, as well as, LAPD Officers Rudolph Rivera, Jack Tuck and Detective Steven Juarez were on the landing outside of the apartment.<sup>5</sup> Rivera and Huerta approached the front door and Rivera observed Martinez getting up and down from the wheelchair and pacing back and forth in the living room while pointing a knife in his right hand. Rivera drew his service weapon and ordered Martinez to raise his hands. Skiver advised that they needed a Taser and asked Tuck to retrieve one from his patrol car. As Tuck ran downstairs, Juarez broadcast a request for a Taser and beanbag shotgun over the radio.

Martinez walked toward the officers and placed the knife into his chest and began pounding on the handle. Martinez continued to advance on the officers and walked into the kitchen. Rivera, Quintero, Huerta and Skiver backed away from the front door while ordering him to stop and drop the knife.<sup>6</sup> Martinez ignored the orders and slowly advanced to the front door and exited the apartment. As Martinez continued his advance, Quintero, Huerta and Skiver retreated back into the entrance of the corridor that led to the main walkway. Rivera retreated back into the small alcove.

Martinez stopped outside the front door, one to two steps from the corridor where Quintero, Huerta and Skiver were positioned to his right. A four-story drop over a railing was to Martinez' left. Rivera stood less than ten feet in front of Martinez in the alcove with his service weapon pointed at him. Martinez looked directly at Rivera with the knife pointed toward him. Rivera repeatedly ordered Martinez to raise his hands. Martinez ignored the orders and lunged toward Rivera with the knife. Rivera had nowhere to escape. In fear for his life, Rivera fired one round from his service weapon striking Martinez. Martinez fell to the ground with the knife still in his right hand.

Martinez pushed his upper body off the ground with his left hand and looked up at Rivera who was now two to three feet in front of him. With the knife extended toward Rivera, Martinez thrust toward him while swinging the knife. In fear of being stabbed, Rivera fired another round from his service weapon. Simultaneously, Huerta fired one round from his service weapon and Quintero fired twice at Martinez. Although Skiver believed that Rivera's life was in jeopardy, he was unable to fire his service weapon because Quintero and Huerta were in his line of fire. Martinez fell back to the ground.<sup>7</sup>

Skiver stepped between Quintero and Huerta and kicked the knife from Martinez' hand. Personnel from the Los Angeles City Fire Department, dispatched to the original call, arrived on the fourth floor seconds after the shooting. Martinez was transported on a gurney to an awaiting ambulance where he was pronounced dead after efforts to save his life were unsuccessful.

A subsequent autopsy determined that the cause of death was multiple gunshot wounds. Martinez sustained a gunshot wound to the upper chest, lower abdomen and three to his upper

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<sup>5</sup> Rivera and Tuck were in uniform, Juarez was in plainclothes.

<sup>6</sup> Rivera and Skiver stated that it was their intention to create distance between themselves and Martinez until the less lethal weapons arrived.

<sup>7</sup> Juarez had walked Ramirez to a neighbor's apartment and did not see Martinez exit the apartment. Juarez observed the officers backing away from the front door and heard them say, "Drop it. Drop it. Stop. Stop. Don't do it," followed by one gunshot. Juarez then heard the officers say, "Drop it. Drop it. Stay down. Don't do it. Stay down," followed by three to four more gunshots.

back. Martinez also had a one and half inch deep stab wound to the left chest. The stab wound was not rapidly fatal but could have led to the collapse of the lung and subsequent death.

### Statement of Monica Ramirez

Ramirez observed Martinez attempt to stand up from the wheelchair when the officers entered the apartment. The officers immediately said, “No, no, no. Don’t reach for anything. Put your hands up.” Ramirez told the officers that Martinez did not have anything in his possession. Ramirez was escorted out of the apartment and went to a neighbor’s residence. At that time, Ramirez heard the officers say, “Drop the knife.” Shortly thereafter, Ramirez heard one gunshot followed moments later by five more.

### **LEGAL ANALYSIS**

The use of deadly force in self-defense or in defense of another is justifiable if the person claiming the right actually and reasonably believed (1) that he or the person he was defending was in imminent danger of being killed or suffering great bodily injury, (2) that the immediate use of force was necessary to defend against that danger, and (3) that he used no more force than was reasonably necessary to defend against that danger. See, *CALCRIM No. 505*.

### **CONCLUSION**

The evidence examined shows that Martinez was depressed and intent on committing suicide. Prior to the officer’s arrival, Martinez had stabbed himself in the chest and refused to go to the emergency room. Martinez refused any assistance from the responding officers after Ramirez called 9-1-1 for assistance. Instead, Martinez purposefully engaged in threatening behavior that had no rational explanation other than it assured the use of deadly force against him.

Martinez armed himself with a knife when Skiver approached him in the living room. Martinez pointed the knife toward the officers in an aggressive manner. Martinez ignored multiple orders to drop the knife. Instead, he systematically advanced upon the officers with the knife directed toward them. The officers retreated from Martinez as they awaited the arrival of the Taser. Once outside the apartment, Rivera found himself backed into an alcove across from the front door. Martinez had the knife pointed at Rivera while Rivera had his service weapon pointed at Martinez. Martinez and Rivera were less than ten feet apart. In that moment, Martinez made the decision to lunge at Rivera with the knife. In fear for his life, Rivera fired one round at Martinez, striking him. Martinez was shot and on the ground, but was still unwilling to relinquish the knife. Martinez, who was now within three feet of Rivera, pushed his upper body from the ground and swung the knife toward Rivera. Martinez’ actions placed Rivera in reasonable fear of death or great bodily injury, and Huerta and Quintero in reasonable fear for Rivera’s life, and they responded with reasonable deadly force.

We conclude that Officer Rivera acted in lawful self-defense and Officers Huerta and Quintero acted in lawful defense of others when they used deadly force against Luis Martinez. We are therefore closing our file and will take no further action in this manner.