

Officer Involved Shooting of Jose Torres
Los Angeles Police Department

Officer Nicholas Coronado, #37992
Officer William De La Rosa Reyes, #38839

J.S.I.D. File #11-0503



JACKIE LACEY
District Attorney
Justice System Integrity Division
December 1, 2017

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 Jose Torres
J.S.I.D. File #11-0503
L.A.P.D. File #F064-11

DATE: December 1, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the July 18, 2011, fatal shooting of Jose Torres by Los Angeles Police Department (LAPD) Officers Nicholas Coronado and William De La Rosa Reyes. It is the conclusion of this office that Officers Coronado and De La Rosa Reyes acted reasonably and lawfully in defense of others when they used deadly force against Jose Torres.

The District Attorney's Command Center was notified of the shooting on July 18, 2011, at approximately 5:40 p.m. The District Attorney Response Team responded and was given a walk-through of the scene.

The following analysis is based on investigative reports, witness statements, and photographic evidence submitted to this office on May 3, 2017, by LAPD Detective Jerry Sally. The compelled statements of Officers Coronado and De La Rosa Reyes were not considered in this analysis.

FACTUAL ANALYSIS

Torres, Sonia T. and Auvelia T. are all cousins. On July 18, 2011, at approximately 2:00 p.m., Auvelia T. dropped Sonia T. off at her home located at [REDACTED], when they observed Torres' vehicle, a 2003 Chevrolet Trailblazer, parked across the street from Sonia T.'s residence.¹ Torres and Sonia T. were married, but had been separated since June 8, 2011.

Torres exited his vehicle and walked over to Auvelia T.'s vehicle, where Sonia T. was seated in the passenger seat.² Torres told Sonia T. that he wanted to talk to her for a few minutes, but Sonia T. did not want to talk to Torres. Torres returned to his vehicle and appeared to retrieve an object from the vehicle. Torres walked back to where Sonia T. was seated and produced a handgun, gripping

¹ Sonia T.'s residence, Apartment Unit [REDACTED], is a bungalow-style single-family attached home.

² Auvelia T.'s three minor children were also in the vehicle at this time; Crystal O., age 11, Gustavo T., age 8, and Alan O., age 4.

the slide and pulling it all the way back before releasing it, and held it in a two-handed grip as he pointed it at Sonia T.³ When Auelia T. screamed, Torres stated “One more scream and I’ll shoot.”

Sonia T. agreed to speak with Torres, at which point Torres placed the gun in his waistband and he and Sonia T. walked to the front stoop of Sonia T.’s apartment. Auelia T. drove away out of view, but maintained watch from a distance. Torres and Sonia T. spoke for approximately three hours. During this time, he expressed regret for his drug use and his desire to reunite. Sonia T. told Torres that due to his drug habit, she did not want him around her or her daughters.

In the meantime, Yamara G., a family friend, received a telephone call from Crystal O. Crystal O. advised Yamara G. that they were at Sonia T.’s house and directed Yamara G. to meet them there.

After speaking with Torres for several hours, Sonia T. became tired and hungry. Sonia T. and Torres purchased an ice cream from a passing vendor, and Sonia T. advised Torres that she was done talking and was going to go to Auelia T.’s house. Sonia T. walked to the street and Torres followed. Torres told Sonia T. that he had just come to kill himself in front of her eyes. Torres stated, “If you leave me, then I’m going to really kill myself.” In fear that Torres might kill himself, Sonia T. continued talking to Torres in an attempt to calm him. Torres told Sonia T. that he would rather die than go back to jail, and added that if the police came, he would shoot himself.⁴

Meanwhile, Auelia T., concerned for Sonia T., periodically drove past their location maintaining watch on Sonia T. At one point, Sonia T. observed Auelia T. and Yamara G. approach in Auelia T.’s vehicle. Torres told Sonia T. that if she left with them, he was going to kill himself. Sonia T. assured Torres that she was not going to leave with them and walked over to Auelia T.’s vehicle, where she discreetly advised Auelia T. and Yamara G. that Torres had a gun and threatened to kill her. She asked them to call the police. When Torres became angry and started to approach the vehicle, Auelia T., in fear for her children’s safety, drove away.⁵

Sonia T. walked a short distance south on Ilex Avenue, with Torres following behind her. When she was approximately sixty feet north of Terra Bella Street, Sonia T. sat on the cement footing of a red brick and wrought iron fence/wall.⁶ Torres sat on Sonia T.’s right side. Torres insisted on going back to Sonia T.’s apartment, but Sonia T. told him she did not want to go back. Torres became angry and told Sonia T. that she was making him mad and he was getting to the point where he wanted to shoot her. Torres placed the barrel of the pistol on Sonia T.’s right thigh, while Sonia T. continued to talk to him, attempting to calm him down. At one point, Torres pressed the gun’s muzzle under Sonia T.’s right ear, causing a visible abrasion.

³ By gripping the slide back and then releasing it, Torres placed the gun in a ready position for firing.

⁵ Auelia T. drove to her home located at the northwest corner of Terra Bella Street and El Dorado Avenue.

⁶ The fence/wall was on the west side of Ilex Avenue north of Terra Bella Street.



Abrasion Below Sonia T.'s Right Ear Caused by the Muzzle of Torres' Gun

At approximately 4:49 p.m., Yamara G. called 9-1-1 on her cell phone. Yamara G. provided a description of Torres and Sonia T., and advised that Torres was armed with a gun and had threatened Sonia T.⁷ The call was broadcast over the Foothill Area Frequency. Officers Nicholas Coronado and William De La Rosa Reyes responded to the location, followed by Officers Luke Bennet, Miguel Schiappapietra, Alejandro Higareda, and Jerry Todd. Meanwhile, Yamara G. called 9-1-1 again and provided Sonia T.'s address.

While looking for the address given in the update, Bennet and Schiappapietra passed an unoccupied blue Pontiac Firebird, parked facing south along the west curb of Ilex Avenue. The parked Pontiac was directly in front of where Torres and Sonia T. were seated on the cement/wall footing.



Intersection of Terra Bella Street and Ilex Avenue with Unoccupied Blue Pontiac

Bennet and Schiappapietra observed Coronado and De La Rosa Reyes stop their police vehicle behind them in the northbound lane, approximately 55 feet north of the unoccupied parked Pontiac. Schiappapietra and Bennet also stopped their police vehicle and exited with their service weapons drawn.⁸ Schiappapietra moved toward the Pontiac, while utilizing a small tree for concealment.

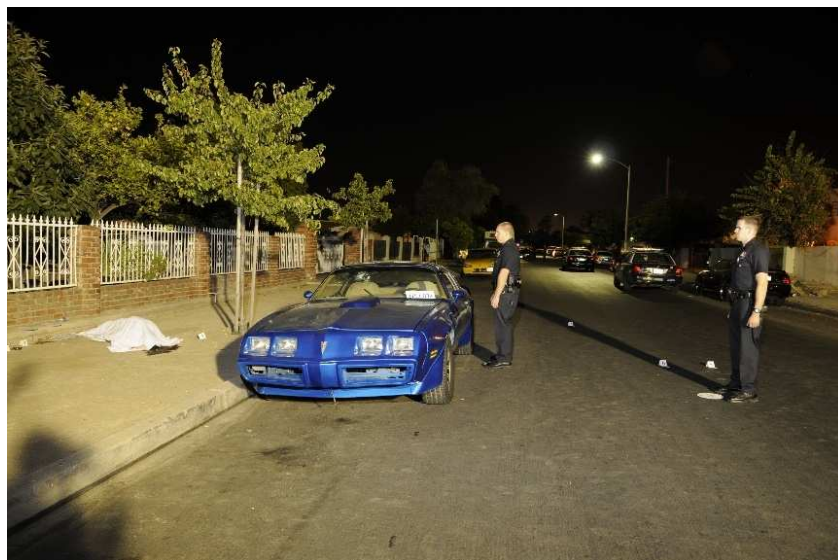
⁷ Although an audio recording of the 9-1-1 call was not provided because it was destroyed by LAPD under the mistaken impression that this was a "closed case," a certified transcript was provided as part of this investigation.

⁸ Schiappapietra was armed with a shotgun and Bennet was armed with his semiautomatic service weapon. Neither Schiappapietra nor Bennet fired their weapons because they did not have a clear view of Torres.

Bennet continued west and took cover behind a brick fence pillar approximately 43 feet north of Torres and Sonia T.'s location.

De La Rosa Reyes and Coronado came up to the driver's side of the Pontiac. De La Rosa Reyes used the front portion of the Pontiac for cover, while Coronado used the rear half of the Pontiac for cover. Coronado and De La Rosa Reyes ordered Torres to show his hands and stand up.⁹ Torres failed to comply with the officers' orders and reached for his waistband. Torres was holding Sonia T. in place with his left arm around her right shoulder, cradling her into him as they sat against the cement/wall footing. Coronado and De La Rosa Reyes repeatedly ordered Torres in English and Spanish to show his hands and to stand up.¹⁰ Torres placed the gun on his leg and put his hands up, showing that he did not have anything in his hands. Torres then placed his right hand on his lap and retrieved the gun.

Torres held the gun with the muzzle aimed at the right side of Sonia T.'s head. De La Rosa Reyes shouted, "Gun! Gun! Gun!"¹¹ Torres looked toward Coronado, looked at Sonia T., then at Coronado again.¹² Coronado fired one round at Torres from an approximate distance of 20 feet. De La Rosa Reyes fired two rounds at Torres from an approximate distance of 27 feet.



Officer De La Rosa Reyes and Coronado's Positions at the Time of the Shooting

⁹ Coronado was armed with a department issued .40 caliber Glock, Model 22, semiautomatic pistol, which was loaded with 16 rounds; one round was in the chamber and 15 rounds were in the magazine.

¹⁰ De La Rosa Reyes was armed with a department issued .45 caliber Glock, Model 21, semiautomatic pistol, which was loaded with 14 rounds; one round was in the chamber and 13 rounds were in the magazine.

¹¹ At this time, Higareda and Todd had positioned their vehicle along the west curb, south of Torres and Sonia T.'s location. Both Higareda and Todd were also yelling orders at Torres to drop the gun.

¹² Sonia T. provided a slightly different account of events. Sonia T. stated that Torres aimed the gun at his head, then at her, then back to his head stating it was time for him to die. However, Torres pushed Sonia T.'s head down at the time of the shooting, so that she was looking north to where Bennet was standing at the time of the shooting. Despite the slight discrepancies, all witnesses describe Torres aiming the gun at Sonia T.'s head prior to the shooting.

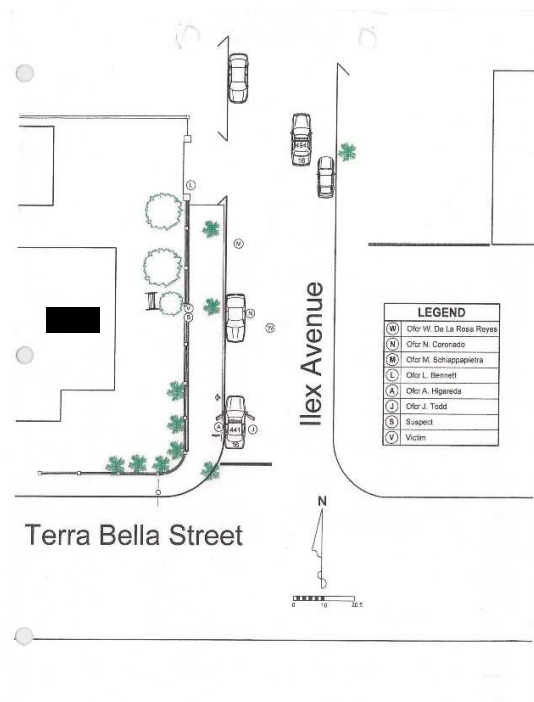


Diagram of Officers', Sonia T. and Torres' Positions at the Time of the Shooting

The gun dropped from Torres' right hand as he slumped forward onto the dirt. De La Rosa Reyes quickly pushed the gun aside with his foot, away from Torres' reach. Sonia T. then crawled away from Torres. De La Rosa Reyes and Hgareda moved Torres into a prone position and handcuffed him.

Shortly thereafter, paramedics responded and pronounced Torres dead at the scene.

Deputy Medical Examiner Ajay J. Panchal conducted an autopsy on Torres' remains. Dr. Panchal concluded that Torres died as a result of multiple gunshot wounds. Torres sustained a total of two fatal gunshot wounds; one to the chin and one to the chest. The bullet that entered the right chin traveled left to right, fragmented and partially exited at two locations. One exit was on the right side of Torres' face, and the second exit was on the right backside of Torres' head. Projectile fragments were recovered from Torres' right lower face and the soft tissue of the right neck. The bullet that entered the left chest area traveled from right to left and front to back, and did not exit. A large caliber projectile was recovered from within the soft tissue of Torres' back.

The toxicological examination showed methamphetamine in Torres' body. The toxicology result for methamphetamine was 0.58 ug/mL.

Statement of Sonia T.

Sonia T. and Torres dated for almost two years, were married in March 2011, and had been separated since June 8, 2011. Sonia T. separated from Torres due to his heroin addiction. Torres had physically assaulted Sonia T. "here and there, but not often" throughout their relationship.

On the day of the shooting, Torres appeared to be under the influence of drugs. Torres was falling asleep while talking with Sonia T. and smoked about five cigarettes as they spoke. Sonia T. also observed needle marks on Torres' left wrist. Sonia T. recognized Torres' symptoms as those he had displayed in the past when he was under the influence. During their three-hour conversation, Torres told Sonia T. that he regretted being on drugs and wanted his family back. When Sonia T. told him she did not want to get together, he told her that he wanted to kill himself. When Torres insisted on going back to Sonia T.'s apartment and Sonia T. refused, Torres told her that she was making him mad and he felt like shooting her, too. Torres then placed the muzzle of the gun against Sonia T.'s right thigh and later pressed it against her right ear.

Sonia T. told Yamara G. to call the police because she was very scared that Torres was going to try to kill himself.

When the officers arrived, Torres was seated to her right with the gun in his right hand. The officers ordered Torres, in English and Spanish, to stand up and put his hands up.¹³ Torres pointed the gun to his own head, then to Sonia T., then back to his own head. Torres did this a couple of times. Torres then said it was time for him to die.

Statement of Martha O.

Martha O. was in her home located on Terra Bella Street when she heard a woman screaming.¹⁴ She looked out the open front door of her residence and observed Torres and Sonia T. at the northwest corner of Terra Bella and Ilex Avenue. Martha O. saw Torres holding something in his hand, which he was holding against Sonia T.'s head.

Martha O. walked outside to the front of her house and observed officers arrive. Martha O. stated, "And the police asked kindly to put it down. He refused. The police told him, like, three times put your weapon down. And at that time, the lady tried to run from him. And he grabbed her from the shirt and pulled her back and he put the gun, like, again, where he had it at the same place. And the police told him again, put your gun down." Martha O. heard Torres yell in Spanish to the officers, "Kill me bastards!" Martha O. stated that the officers gave Torres ample opportunities for him to surrender, but Torres refused. Martha O. concluded, "It was either her or him or an officer. He could have shot an officer."

Martha O. believed that the officers fired four times at Torres.¹⁵

Statement of Ramon P.

Torres and Sonia T. were seated directly in front of Ramon P.'s residence. Ramon P. was seated on his porch directly behind Torres and Sonia T.'s location, approximately 30-40 feet away.¹⁶ As he sat in a chair on his porch, Ramon P. observed two patrol cars arrive and several officers exit their cars with their guns drawn. The officers aimed their weapons at Torres and Sonia T., as they yelled four to five times "Let go of it! Drop it!" and "Put your hands up!" The officers repeated similar orders in Spanish.

¹³ Sonia T. stated that Torres understood English.

¹⁴ Martha O.'s residence is located at [REDACTED].

¹⁵ The evidence shows the officers fired three times.

¹⁶ Ramon P.'s residence is located at [REDACTED]. The front portion of the house faces Ilex Avenue.

Due to his vantage point, Ramon P. was not in a position to see whether Torres was holding anything in his right hand. Ramon P. could only see Torres' left hand, which Torres was using to hold Sonia T. in place.

Torres did not say anything in response to the officers' commands and it appeared he was not listening. Ramon P. then heard three gunshots.

Statement of Auvelia T.

On July 18, 2011, Auvelia T. dropped Sonia T. off at her home. Soon after arriving at Sonia T.'s residence, Torres approached Auvelia T.'s vehicle. Auvelia T. observed Torres holding a gun and loading the gun with a bullet. Torres then took the gun and aimed it at Sonia T.'s cheek. Sonia T. got out of Auvelia T.'s vehicle and walked with Torres to talk. Auvelia T. parked near the area for approximately two hours, then left and returned to the area. When she returned, Sonia T. approached her and stated, "He wants to kill me. And, he's going to kill himself." Sonia T. asked Auvelia T. to call the police. Auvelia T. told Sonia T. that she would not be calling the police, because she knew the police would kill Torres once they saw him with a gun.

About a month prior to the incident, Torres told Auvelia T. that he was going to kill Sonia T. first and then kill himself. Torres was depressed and had talked about killing himself. Auvelia T. also believed Torres was under the influence of drugs. Auvelia T. knew that Torres would hit Sonia T. and had tried to strangle her on one occasion leaving visible injuries.

Auvelia T. was parked near the area when the shooting occurred, but did not see the actual shooting. She saw a patrol car arrive and heard four gunshots almost immediately after. Auvelia T. felt that "The police did not give time. They fired at him right away when they saw him."

Statement of Officer Alejandro Higareda

Higareda responded to the location with his partner, Todd. Todd observed Torres holding Sonia T. with a gun to her head, on the west curb of Ilex Avenue. Coronado and De La Rosa were standing in the street, facing westbound with their guns drawn, as they yelled "Drop the gun! Drop the gun!"¹⁷ Torres was holding Sonia T. around the neck with his left hand, as he aimed a gun at Sonia T.'s head with his right hand. The barrel of the gun was near the right side of Sonia T.'s head. Sonia T. was screaming and trying to get away from Torres. Torres was yelling, but Higareda could not make out what Torres was saying.

Higareda had his service weapon aimed at Torres when he heard two to three gunshots. Although the situation warranted deadly force, Higareda did not fire his service weapon because he did not have a good angle due to Sonia T. coming in and out of his sight as she moved trying to get away from Torres.

Statement of Officer Jerry Todd

Todd observed Torres and Sonia T. sitting back against a cement wall. Todd had an unobstructed view of Torres and Sonia T. Torres had a semiautomatic gun in his right hand, which he was

¹⁷ Bennet and Schiappapietra also had their service weapons drawn, but they were to the north, on the other side of Torres.

aiming at the right side of Sonia T.'s head. With his left hand, Torres had Sonia T. in a headlock or appeared to be holding her around her upper body. Sonia T. was screaming and crying, and it appeared as if she was trying to get away.

Coronado and De La Rosa Reyes were yelling commands at Torres; they repeatedly ordered Torres to put down the gun and drop the weapon. The commands were given in both English and Spanish. Todd and Higareda also joined in ordering Torres to put down the gun. Torres did not comply with the officers' commands. Instead, Torres continued to hold the gun to Sonia T.'s right temple, as he yelled back, very aggressively, at the officers in Spanish. Todd heard three gun shots. Coronado and De La Rosa Reyes were moving toward Torres, and were approximately eight yards from Torres and Sonia T. when they fired their service weapons. When the gunshots were fired, Torres still had the gun aimed at Sonia T.'s temple.

The bullets appeared to have impacted Torres on his chest. He slumped to the right and dropped the weapon; a black semiautomatic pistol. Although the situation warranted deadly force, Todd did not fire his service weapon because, although his target was Torres' upper torso, his background was Sonia T.'s back. Todd was concerned that if he fired his weapon, the bullet could have gone through Torres and struck Sonia T.

Physical Evidence

The shooting occurred on the west side of Ilex Avenue, approximately 60 feet north of Terra Bella Street.

A .380 caliber, blue steel semiautomatic handgun with wood grips was recovered from the dirt sidewalk in close proximity to Torres' body.



Gun with Evidence Tag in Close Proximity to Torres' Body

A subsequent examination of the handgun revealed that it was fully functional. One live .380 caliber cartridge was in the chamber and four live .380 caliber cartridges were in the magazine. The hammer was in the back (cocked) position and the safety was in the horizontal (off) position. The gun was ready to fire.



Close-up Photo of Gun Recovered from the Scene



The Five Live Cartridges Recovered from the Gun

The handgun was subsequently examined for latent prints and DNA evidence. The latent print results were inconclusive, but Torres' DNA was found to be on the handgun.¹⁸

Two discharged .45 caliber casings and one discharged .40 caliber casing were recovered from the street east of 13030 Terra Bella Street. The casings were examined and determined to have been fired from De La Rosa Reyes' and Coronado's service weapons respectively.

Coronado's service weapon was subsequently examined and found to contain one unfired .40 caliber cartridge in the chamber and 14 unfired cartridges in the magazine. This was consistent with Coronado firing his service weapon one time.

De La Rosa Reyes' service weapon was also subsequently examined and found to contain one unfired .45 caliber cartridge in the chamber and 11 unfired cartridges in the magazine. This was consistent with De La Rosa Reyes firing his service weapon two times.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he 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.

¹⁸ The DNA random match probability was 1 in 40 quintillion.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In determining the reasonableness of an officer's actions, allowances must be made 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, 396-398.

CONCLUSION

The evidence examined in this investigation shows that a month prior to this incident, Torres told Auvelia T. that he was first going to kill his estranged wife, Sonia T., and then he was going to kill himself. The evidence is clear that on July 18, 2011, Torres was prepared to carry out his stated threat.

Torres came to Sonia T.'s residence armed with a loaded gun, and waited for her at her residence in order to confront her. When Sonia T. initially declined to speak with Torres, Torres forced her to do so at gunpoint. After realizing that his attempts at reconciling with Sonia T. were futile, Torres took the gun, aimed it at himself, and eventually aimed it at the right side of Sonia T.'s head, below her ear. Torres pressed the gun so hard against Sonia T.'s head that he left a red, visible abrasion below her right ear.

When Officers De La Rosa Reyes and Coronado confronted Torres on the sidewalk, as he held Sonia T. hostage at gunpoint, Torres refused to comply with the officers' repeated commands to drop the gun. The officers repeated their commands in English and Spanish in an attempt to get Torres to comply. Despite Auvelia T.'s assertion that the officers did not give Torres time to comply with their demands prior to firing their service weapons, the evidence is abundantly clear that De La Rosa Reyes and Coronado gave Torres ample time to surrender prior to their use of deadly force. As Martha O. stated, “And the police asked him kindly to put it down. He refused.”

Torres' refusal to comply with their repeated commands for him to drop the gun, prompted the officers to respond with deadly force to save Sonia T.'s life. As Martha O. noted, “It was either her or him or an officer. He could have shot an officer.” In light of the alternatives, the officers' response with deadly force was warranted and reasonable. Further, the officers' response with deadly force was calculated and measured. Although there were four other officers with their service weapons drawn, only De La Rosa Reyes and Coronado fired their service weapons. De La Rosa Reyes and Coronado fired their service weapons when the peril was swift and imminent, and the necessity for action immediate in order to save Sonia T.'s life.

Based on the foregoing, we conclude that Officers Nicholas Coronado and William De La Rosa Reyes acted reasonably and lawfully in defense of others when they used deadly force against Jose Torres. We are therefore closing our file and will take no further action in this matter.

