



C A L I F O R N I A

DEPARTMENT OF JUSTICE

Report on the Investigation into the Death of Pedro Morales Lopez on February 17, 2022

Los Angeles County AB 1506

February 2025

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INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice (DOJ) is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the State of California. Historically, these critical incidents have been primarily handled by local law enforcement agencies and the State's 58 district attorney's offices.

AB 1506, signed into law on September 30, 2020 and effective July 1, 2021, provides DOJ with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. DOJ will investigate and review for potential criminal liability all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as revealed by the investigation;
- an analysis of those facts in light of applicable law;
- an explanation of why it was determined that criminal charges were not appropriate; and,
- where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses and any family members of the decedent. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For privacy reasons, as well as readability of this report, the witnesses and family members are indexed as follows:

- Witness 1 (W-1), Victim of attempted carjacking and assault
- Witness 2 (W-2), Wife of decedent
- Witness 3 (W-3), Step-daughter of decedent
- Witness 4 (W-4), Step-granddaughter of decedent
- Witness 5 (W-5), Neighbor of decedent
- Witness 6 (W-6), Adult daughter of decedent

INTRODUCTION

At approximately 7:00 PM on February 17, 2022, three officer-involved shooting (“OIS”) incidents occurred on Foster Road in the City of Norwalk, Los Angeles County. During an attempt to apprehend Andre M. Mora (hereinafter, “Mr. Mora”), the suspect of a carjacking and assault with a firearm that occurred three days earlier, Mr. Mora pointed a semiautomatic handgun at Los Angeles County Sheriff’s Department (LASD) Detective Ryan Rothrock, who fired ten rounds at Mr. Mora (OIS #1). Mr. Mora fled eastbound on foot and pointed a handgun at Detective Rothrock and another LASD detective, Giovanni Lampignano. LASD Detective Bryce Chalmers, who saw OIS #1 occur, drove into Mr. Mora’s path of travel, exited his vehicle, and fired nine rounds at Mr. Mora (OIS #2). Mr. Mora made a right turn through a gate and into the front yard of a private residence and then into a narrow side yard crowded with various objects. Mr. Mora then pointed a handgun at Detective Lampignano, who fired fourteen rounds at Mr. Mora (OIS #3). Mr. Mora—who was shot multiple times but survived—then entered the residence through a side door and barricaded himself inside. An uninvolved resident of the location, Pedro Morales Lopez (hereinafter, “Mr. Lopez”), was in the side yard during the time of OIS #3. Mr. Lopez was fatally struck in the back of the head by a single bullet fired by Detective Lampignano.

The Department of Justice investigated and reviewed the OIS incidents pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506). This report is the final step in DOJ’s review of the fatal OIS of Mr. Lopez. The scope of this report is limited to determining whether criminal charges should be brought against the involved officers and offering possible policy and practice recommendations. The review does not encompass or comment on any potential administrative or civil actions. It does, however, include policy and practice recommendations, as required by Government Code section 12525.3, subdivision (b)(2)(B)(iii). Based on the criminal investigation, review of evidence, and evaluation of the case, we have determined that the evidence does not support criminal charges against any of the involved officers, including Detective Lampignano.

CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, viewer discretion is advised, especially for young children and sensitive individuals.

SUMMARY OF INCIDENT

February 14, 2022: Attempted Carjacking and Assault with a Firearm committed by Andre M. Mora

At approximately 8:15 PM on February 14, 2022, W-1 drove into the 76 gas station located at 12030 Rosecrans Avenue in Norwalk, California, and parked. W-1 sat in her pickup truck, with the doors closed.

Mr. Mora entered the gas station on foot and approached W-1's truck. Mr. Mora opened W-1's driver-side door and ordered her out of the vehicle. Mr. Mora struck W-1 in the face with a beer can, grabbed her by the hair, and punched her. W-1 placed the truck in reverse and pulled away while the driver-side door remained open. Mr. Mora reached into his waistband, pulled out a black handgun, and fired one round into the truck. The bullet struck the inside of the front passenger door. W-1 was unhurt. Mr. Mora fled.

Approximately fifteen minutes later, LASD Deputy Aaron Agajanian arrived at the 76 gas station and met with W-1. He observed redness to the right side of her face. Deputy Agajanian noted an entrance bullet hole on the inside of the front passenger door of W-1's truck, and an exit bullet hole on the outside of the front passenger door below the side view mirror.

W-1 believed that Mr. Mora was staying at a nearby motel.¹ LASD Deputy Jeremy Licona spoke to the manager of the motel, who said that Mr. Mora had checked out of the hotel several days earlier. LASD Detective Jose Lopez conducted a search of law enforcement databases and found records for Mr. Mora, learning that he had convictions for burglary (Pen. Code, § 459) and possession of a firearm by a felon (Pen. Code, § 29800, subd. (a)), and he had a warrant for a probation violation.

The following day, Detective Lopez and Detective McDermott went to the 76 gas station, where they found a nine-millimeter shell casing on the ground next to the pumps. The casing was free of dust and debris, indicating that it had been recently fired.

On February 17, 2022, W-1 positively identified Mr. Mora from a photographic six-pack array. W-1 additionally told detectives that Mr. Mora had recently mentioned that he had "constructed a firearm." LASD learned that Mr. Mora was residing with his girlfriend, at 12146 Foster Road in Norwalk.

¹ Based on later statements by Mr. Mora, he and W-1 were known to one another and may have been romantically involved prior to the attempted carjacking.



Screenshot of surveillance video depicting Mr. Mora pointing firearm at W-1

Surveillance and identification of Andre M. Mora on February 17, 2022

On February 17, 2022, Detective Lopez called Detective Chalmers, of LASD's Operation Safe Streets ("OSS") Gang Surveillance Unit ("GSU"), an undercover surveillance unit, and requested assistance with the apprehension of Mr. Mora.

Around 6:30 PM, Detective Lopez conducted a briefing for GSU deputies at the Norwalk Station Detective Bureau regarding the attempted carjacking that occurred on February 14, 2022. The briefing provided information about Mr. Mora, including his criminal history, a physical description, and two photographs of him, as well as identifying three locations in a small geographic area where Mr. Mora frequented: his father's residence; the 76 gas station where the attempted carjacking occurred; and Mr. Mora's girlfriend's apartment at 12146 Foster Road.

Thereafter, the GSU deputies traveled in multiple different vehicles to the target area. Nine GSU deputies in total participated in the operation. Seven GSU deputies were wearing plainclothes and driving unmarked vehicles: Detective Rothrock, Detective Chalmers, Detective Lampignano, Detective Eric Saavedra, Detective David Rodriguez, Detective Anthony Federico, and Sergeant Samuel Gomez. Two GSU deputies—Deputy Alfredo Garcia and Deputy Theo Woodward—were uniformed and driving marked LASD vehicles. The two uniformed deputies did not participate in the surveillance or apprehension of Mr. Mora but were stationed nearby in the event that Mr. Mora was apprehended and transport was necessary. Within a short period of time, the focus of the operation turned to Mr. Mora's girlfriend's residence at 12146 Foster Road.

Detective Chalmers parked his black Jeep Grand Cherokee across the street from 12146 Foster Road in a position referred to as "the eye," which allowed him see of the entrance of the building. Other GSU

deputies maintained positions nearby and waited for Detective Chalmers to provide information or instructions via handheld tactical radio.

At approximately 7:03 PM, Detective Chalmers saw an individual resembling Mr. Mora exit 12146 Foster Road and walk westbound. Detective Chalmers requested that another deputy drive by to make a positive identification that the individual was Mr. Mora. The individual walked to the southeast corner of Foster Road and Funston Avenue. Detective Rodriguez drove by in a white Nissan Frontier, got a “good look” at Mr. Mora, and provided a positive identification. Around this same time, Detective Lampignano also identified Mr. Mora, and communicated, “100%, that’s our guy.” Detective Chalmers informed the GSU deputies, “Let’s go ahead and take him down.”

Officer-Involved Shooting #1

Around the same moment that Mr. Mora was identified, Detective Rothrock stopped his vehicle—a blue Dodge Charger—in the westbound lanes of Foster Road at the stop sign with Funston Avenue. Detective Rothrock looked to his left and recognized Mr. Mora approximately 25 feet away at the southeast corner. Detective Chalmers provided the order to apprehend Mr. Mora. Mr. Mora, standing on the corner, noticed a vehicle (Detective Rothrock) pull up behind him that did not immediately drive away, so he reached for a handgun in his waistband. Detective Rothrock exited his vehicle and advanced toward Mr. Mora with his firearm in a low-ready position. Detective Rothrock yelled, “Sheriff’s Department. Let me see your hands” and shined his firearm flashlight at Mr. Mora.

Mr. Mora began “back peddling” eastbound with his right hand at his waistband. Detective Rothrock again stated, “[I]et me see your hands. Sheriff’s Department.” Mr. Mora stepped eastward until he was on the other side of a silver Toyota Camry parked at the curb. Mr. Mora pulled a handgun from his waistband and pointed it at Detective Rothrock. Detective Rothrock fired ten rounds at Mr. Mora and then ducked behind the Toyota Camry.

Detective Rothrock looked up and saw Mr. Mora holding the firearm over the top of the vehicle and pointing it downwards at him. Detective Rothrock fell or took cover² behind the trunk of the Toyota Camry. Detective Lampignano drove towards Detective Rothrock in a gray Ford Edge.

Mr. Mora ran eastbound on the sidewalk, turned the upper half of his body westbound, and pointed the handgun in the direction of Detectives Rothrock and Lampignano. Mr. Mora dropped his cell phone on the south sidewalk of Foster Road between the Toyota Camry and a driveway located a short distance to the east. As Mr. Mora approached the driveway, he manipulated his firearm while looking back in the direction of Detective Lampignano. Around this time, and as Mr. Mora continued to move eastward, the magazine of Mr. Mora’s handgun and two live rounds fell to the sidewalk at the edge of the driveway apron. None of the officers reported seeing the cell phone, magazine, or live rounds fall to the ground.

Detective Rodriguez approached Detective Rothrock, who appeared to be in shock. Detective Rothrock stated, “he shot at me.”³

2 Detective Rothrock explained in his statement that he “hit the floor” to avoid gunfire. Detective Saavedra recalled that immediately after the incident, Detective Rothrock said that he “tripped.”

3 As will be detailed below, the evidence shows that Mr. Mora possessed a Polymer 80 semiautomatic handgun but did not fire any shots.



Aerial photograph depicting the location of OIS # 1



Screenshot from surveillance video from Durkin's Market depicting Det. Rothrock approach Mr. Mora

Officer-Involved Shooting # 2

Detective Chalmers, who saw OIS #1 and then saw Mr. Mora run while pointing his firearm back at his partners, drove his vehicle to the apron of the driveway on the south side of Foster Road in the direction that Mr. Mora was running. Detective Chalmers exited the vehicle, stood in the door jamb, drew his handgun, and fired at Mr. Mora as he ran past. According to Detective Chalmers, Mr. Mora turned towards him from approximately six to seven feet away, and Detective Chalmers saw the muzzle of Mr. Mora's firearm pointed at him. Detective Chalmers fired several more rounds at Mr. Mora.

Mr. Mora continued running eastbound on the sidewalk with the pistol in his right hand. According to Detective Chalmers, when Mr. Mora reached a white van parked just eastbound, he turned and raised the firearm in Detective Chalmers' direction, so Detective Chalmers fired additional rounds at Mr. Mora. Mr. Mora then continued running eastbound. Detective Chalmers fired a total of nine rounds during OIS #2.



Screenshot of video surveillance depicting Mr. Mora running eastbound with Det. Chalmers parked in driveway apron



Aerial photograph depicting approximate location of OIS #2

Officer-Involved Shooting #3

Mr. Mora continued running eastbound and then turned southbound at 12152 Foster Road, one property east of 12146 Foster Road. Mr. Mora went through a small gate in a lattice fence separating the front yard of 12152 Foster Road from the sidewalk. Mr. Lopez lived at 12152 Foster Road with his wife, step-children, and step-grandchildren.

Detective Lampignano and Detective Chalmers ran eastbound after Mr. Mora in the middle of Foster Road and stood behind a vehicle parked in front of the residence at 12152 Foster Road. The detectives later explained that they did so in order to have a barrier between themselves and Mr. Mora in the event that he fired at them.

While Mr. Mora was on the porch of the residence, Detective Lampignano yelled, “Stop, Sheriff’s Department.” Detective Lampignano later stated that he hesitated to shoot because he saw lights illuminated in the residence behind Mr. Mora and did not want to harm any occupants inside.

Detective Lampignano saw Mr. Mora turn and point a handgun at him while running in a westerly direction towards the side yard. This side yard was filled with miscellaneous objects, hanging clothes, and foliage. Detective Lampignano shined his firearm light and saw that the side yard—and not the residence—was now behind Mr. Mora. Detective Chalmers heard Detective Lampignano state that Mr. Mora “[g]ot a gun, he’s pointing it at me, he’s pointing the gun at me, get down.” Detective Lampignano fired several rounds at Mr. Mora, who fell.

Detective Lampignano turned off his firearm light and moved slightly because he did not want Mr. Mora to see his light and shoot in his direction. Detective Lampignano illuminated his light, and—according to Detective Lampignano—he saw that Mr. Mora’s “[f]ace looks big, gun looks huge, and it looks like now he’s aggressing me. I’m thinking, holy shit, like, I don’t—this guy’s gonna kill me. He’s coming back to kill me.” Detective Lampignano fired several additional rounds at Mr. Mora. Detective Lampignano heard a growling or screaming noise.

Mr. Mora turned and made his way down the side yard with an awkward gait, bumping into objects as he went. According to Detective Lampignano, when Mr. Mora was at the middle or back end of the side yard, he turned towards Detective Lampignano, and Detective Lampignano fired one additional round at Mr. Mora. Detectives Lampignano and Chalmers ran a short distance eastbound and took cover behind a truck, in an effort to see if Mr. Mora would flee around the backside of the residence.

During this time, Mr. Lopez—who lived at 12152 Foster Road—had been in the side yard speaking on the telephone with his daughter. According to Mr. Lopez’s daughter, she heard her father say, “[h]ey, you can’t go in there.” She then heard popping noises which sounded like gunfire.

In later statements made by Mr. Mora, he described how he “slammed” into Mr. Lopez and both men fell, and that he then turned around to “bust” but his weapon was not loaded or not cocked, so he threw⁴ the firearm and fled inside the house. Mr. Mora also said that he tried to pull Mr. Lopez behind him but Mr. Lopez was dead weight. A black semiautomatic Polymer 80 pistol, missing a magazine and without a serial number or any manufacturer information, commonly referred to as a “ghost gun,” was later located in the front yard of 12152 Foster Road. None of the officers reported seeing the gun thrown.

Detective Lampignano fired a total of 14 rounds during OIS # 3. One bullet fired by Detective Lampignano during OIS #3 struck Mr. Lopez in the back of the head and killed him.

Based upon a review of the surveillance videos, all of Detective Lampignano’s discharges during OIS #3 occurred within approximately 20 seconds. Specifically, audio from a Ring camera located across Foster Road indicates that all of Detective Lampignano’s discharges occurred within approximately 12 seconds, with the second volley of bullets occurring approximately six to seven seconds after his first volley, and the final discharge occurring approximately one second after his second volley of bullets.

4 In another statement, Mr. Mora said stated that he “dropped” the firearm and could not find it. However, Mr. Mora’s statement that he threw the firearm is more reliable given the location where the Polymer 80 handgun was recovered and the location of Mr. Lopez’s body.



Photograph depicting 12152 Foster Road



Screenshot from surveillance video depicting Dets. Lampignano and Chalmers looking towards 12152 Foster Road with firearm flashlights illuminated



Screenshot from surveillance video depicting Det. Lampignano discharging firearm towards 12152 Foster Road

Locating Mr. Mora and the discovery of a deceased Pedro Morales Lopez

Mr. Mora entered the residence at 12152 Foster Road through a door in the back of the side yard and barricaded himself inside the residence. GSU deputies took positions around the location. The occupants of 12152 Foster Road—including the decedent’s wife, step-child, and step-grandchild—exited from the front door of the residence.

At approximately 7:11 PM, Los Angeles County Fire Department (LAFD) and the LASD Special Weapons And Tactics (SWAT) team were notified. Deputy Garrick Twedt and Deputy Brice Stella, both SWAT paramedics, arrived on scene in their unit’s MEDCAT vehicle, a specially armored ambulance, at approximately 9:00 PM.

At approximately 1:00 AM, SWAT made entry to the residence. Mr. Mora was handcuffed. Deputy Twedt and Deputy Stella provided medical attention to Mr. Mora who had suffered non-fatal gunshot wounds. Specifically, Mr. Mora suffered injuries to his abdomen, buttocks, left elbow, and right foot.

While treating Mr. Mora, Deputy Twedt and Deputy Dilberti were informed that there was an additional person in need of medical attention on the walkway in the side yard to the west of the residence. Deputy Twedt walked outside and saw a male lying supine on his back on the walkway, his head in a southerly direction and feet in a northerly direction. The male—later identified as Mr. Lopez—had a large pool of blood coming from the back of his head and was not breathing.

LAFD paramedic Chase Kelley responded to the side yard and saw Mr. Lopez lying on his back and slightly to his right side. Mr. Lopez had significant trauma to the back of his head. Mr. Lopez presented subtle signs of rigor mortis. A head-to-toe assessment was conducted, as well as an EKG. Mr. Lopez had no heart activity and no pulse. Mr. Lopez was declared deceased.

Scene Description

The scene consisted of the residence at 12152 Foster Road, Norwalk, the area at the intersection of the 13700 block of Funston Avenue at the 12100 block of Foster Road and the south sidewalk of Foster Road. The scene was located within a residential area, and the incident occurred during nighttime hours. Foster Road is an undivided, four-lane roadway that runs east and west with additional room for parking on either side. Adjoining the road are concrete sidewalks.

OIS #1 occurred at approximately the southwest corner of Foster Road and Funston Avenue, with Mr. Mora located on the south sidewalk of Foster Road and Detective Rothrock located approximately in the eastbound lanes of Foster Road.

OIS #2 occurred approximately 75 feet eastbound of the intersection of Foster Road and Funston Avenue and in the driveway apron in front of a condominium complex at 13802 Funston Avenue. Mr. Mora was located on the south sidewalk of Foster Road, while Detective Chalmers was located just in front of the gutter area and in the street in front of the driveway apron.

OIS #3 occurred approximately 150 feet eastbound of the intersection of Foster Road and Funston Avenue. Detective Lampignano was located in the street on the north side of a vehicle parked on the south side of Foster Road and in front of 12152 Foster Road. Mr. Mora was located in the side yard, just west of 12152 Foster Road. Mr. Lopez's body was found in the rear, or south end, of the side yard.



Photograph depicting approximate locations of OIS #1, OIS #2, and OIS #3 on Foster Road

The front yard of 12152 Foster Road contained an approximate four-foot wooden fence with white lattice material. A wooden gate was located in the center of the fence leading to the sidewalk. Inside the gate was a pedestrian walkway that led south to the front door of the residence, and a narrow walkway leading to the side yard west of the residence, where Mr. Lopez was found. The front yard was littered with overgrown plant material, debris, work tools, trash cans, a patio umbrella, and a white canvas canopy.



Photograph of the front yard, porch, and side yard area of 12152 Foster Road⁵

The narrow side yard was lined with various objects including bicycles, tables, a toilet, tires, a propane tank, and a laundry basket. Deeper into the side yard, clothing was hanging on both sides. The body of Mr. Lopez was found near the back, or south end, of the side yard and near a door leading inside the residence.

5 Photographs of front and side yard of 12152 Foster Road were taken during daytime lighting conditions, while the OIS incidents occurred at night.



Photograph depicting the side yard of 12152 Foster Road

Evidence Recovered

After the OIS incident scenes were secured and processed for evidence, various gunshot holes were located in the windows, trunk, and doors of the Toyota Camry, which was parked in the area of OIS #1.



Photograph facing eastbound on Foster Road, depicting bullet holes to Toyota Camry

The Toyota Camry was later towed for documentation, collection, and processing for ballistics evidence. On February 25, 2022, additional bullet fragments were recovered during the processing of the Toyota Camry.

On the south sidewalk of Foster Road between the Toyota Camry and a driveway located to the east, LASD crime scene technicians collected a cell phone (later determined to belong to Mr. Mora). A short distance away, at the edge of the sidewalk and the driveway apron, a black firearm magazine and two live rounds were recovered. It was later determined that the recovered magazine fit inside the Polymer 80 handgun and was functional when tested. Additionally, one of the recovered rounds was determined to have been cycled through the Polymer 80 handgun. While the other recovered round was compatible with the Polymer 80, it was unable to be determined whether that round had been cycled through the firearm.

A total of 33 fired nine-millimeter cartridges were located in the areas of OIS #1-3. Various fired bullet fragments and unfired live rounds were located. All items were photographed, documented, collected, and subsequently provided to BFS criminalists for processing and analysis.



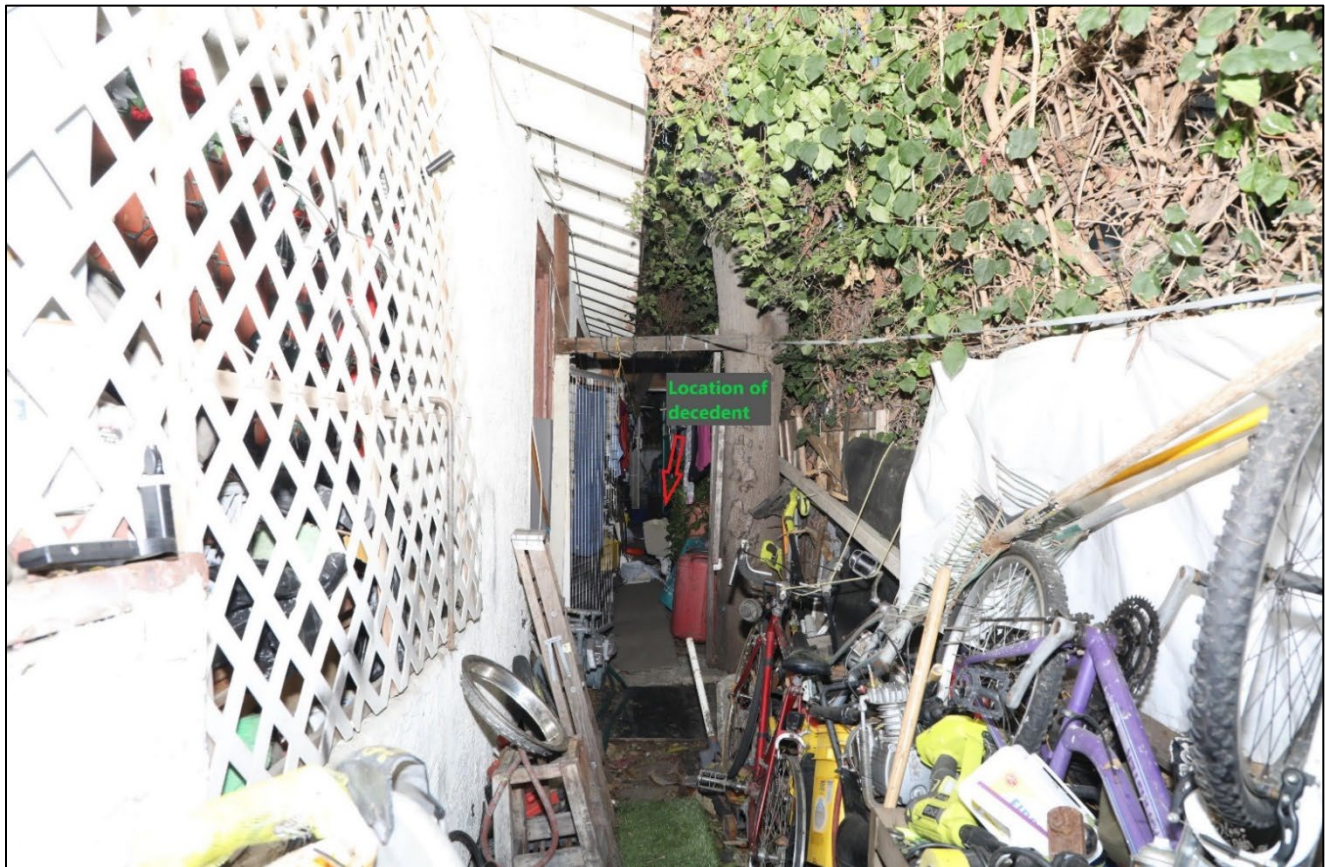
Photograph depicting location of firearm magazine and two live rounds on south sidewalk of Foster Road



Photograph of 12152 Foster Road, with approximate locations of Polymer 80 firearm, Mr. Mora's clear glasses, and side yard

Outside the fence line of 12152 Foster Road, a pair of clear eyeglasses, matching the description of a pair of glasses Mr. Mora was wearing during the attempted carjacking and assault with a firearm, was located. In the left front yard area, lying on a tarp, a semiautomatic Polymer 80 pistol, missing a magazine, and without a serial number or any manufacturer information, was located. The firearm was photographed, documented, and collected for processing. It was transferred to BFS for ballistics testing.

Mr. Lopez's body was located in a narrow walkway or side yard on the right side of 12152 Foster Road. He was found lying on the ground on his stomach with his head facing south towards the back and his feet facing north towards the front of the residence. Mr. Lopez had a visible wound to the back of his head and was located in a pool of blood. After LAFD pronounced Mr. Lopez deceased, the Los Angeles County Department of Medical Examiner-Coroner took possession of the body to conduct an autopsy.



Photograph of side yard of 12152 Foster Road with approximate location of decedent



Photograph of front yard of 12152 Foster Road with location of Polymer 80 firearm



Close up photograph of Polymer 80 firearm

Video and Audio Recordings

None of the deputies involved in the OIS incidents were equipped with body worn cameras. None of the involved vehicles were equipped with digital in-car video systems.

An audio recording of radio communications between a GSU deputy at the scene and dispatch showed a request for additional units mentioning the codes for officer-involved shooting and person with a gun, and report that a Hispanic male wearing a black shirt with glasses was running southbound from 12146 Foster Road. Later, the deputy stated that the suspect was inside 12152 Foster Road, possibly suffering from a gunshot wound.

On February 18, 2022, DOJ agents and LASD detectives canvassed the area surrounding the three OIS scenes in search of any surveillance videos or footage which may have captured the incidents. Agents and detectives collected footage from the following: surveillance cameras installed at a residence east of 12152 Foster Road; surveillance cameras at Durkin’s Market, located on the southwest corner of Foster Road and Funston Avenue; a Nest camera at a residence northeast of 12152 Foster Road; and two surveillance cameras located at a condominium complex on the north side of Foster Road.

Medical Examiner’s Findings

On February 21, 2022, Los Angeles County Deputy Medical Examiner Scott A. Luzi performed an autopsy on Mr. Lopez’s body. In summary, the autopsy findings are as follows:

Mr. Lopez, who was five feet four inches tall and weighed 146 pounds, died of a gunshot wound to the head. Mr. Lopez suffered from a gunshot wound that entered through the back of his head on the right side. A deformed jacket bullet, a bullet core fragment, and a bullet jacket fragment were recovered from Mr. Lopez’s brain. The bullet had a back to front and right to left trajectory. There was no exit wound.

Mr. Lopez additionally suffered from an abrasion on the right frontal scalp, a laceration on his right elbow, an abrasion on his right hand, and a contusion to his right ring finger.

DNA Evidence

On August 10, 2022, Bureau of Forensic Services (BFS) criminalists conducted a DNA analysis of various items of evidence. As is pertinent to this investigation, the DNA analysis provided “very strong support” that Mr. Mora was a contributor to the DNA mixtures detected on the left grip, right grip, trigger, trigger guard, and the slide of the Polymer 80 firearm recovered in the front yard of 12152 Foster Road. The recovered magazine was tested but a DNA mixture of at least five contributors was detected, so no interpretation of the result could be established. A cartridge was tested but it was determined to be contaminated, and the results were not reported.

Firearms and Ballistics Evidence

During the OIS incidents, Detectives Chalmers and Lampignano were each armed with Smith & Wesson model M&P nine-millimeter semiautomatic handguns, while Detective Rothrock was armed with a Beretta model 92F nine-millimeter semiautomatic handgun.

On February 18, 2022, the three shooting officers—Detective Rothrock, Detective Chalmers and Detective Lampignano—were processed by BFS, which included photographs of their clothing, their duty firearms, magazines, and other relevant equipment. All three officers submitted to a round count

of their duty firearms and magazines. Each officer relinquished their duty firearms for ballistics testing. All three officers' duty firearms—Detective Rothrock's Beretta 92F pistol, Detective Chalmers' Smith & Wesson M&P pistol, and Detective Lampignano's Smith & Wesson M&P pistol—were nine-millimeter handguns. An examination of the detectives' firearms and magazines after the incident indicated that Detective Rothrock fired 10 rounds, Detective Chalmers fired nine rounds, and Detective Lampignano fired 14 rounds.

BFS received one nine-millimeter fired cartridge recovered at the 76 Gas Station. BFS criminalists test fired the three duty firearms of the involved officers and the Polymer 80 pistol. All four firearms were found operational and all four functioned as semiautomatic firearms. BFS examined and determined that the fired cartridge recovered at the 76 Gas Station was fired by the Polymer 80 pistol.

BFS received a total of 33 fired nine-millimeter cartridges, as well as various bullet fragments and nine-millimeter live rounds recovered from or near the locations of the OIS incidents. BFS determined that none of the analyzed cartridges recovered at the scene were fired by the Polymer 80 pistol. The nine-millimeter live round recovered near the magazine near the location of OIS #2 was analyzed and it was determined that the round was cycled through the Polymer 80 pistol but not fired. The testing of the second nine-millimeter live round recovered near the magazine was inconclusive, i.e., it may or may not have been cycled through the Polymer 80 pistol.

BFS also received the following items collected during the autopsy of Mr. Lopez's body: a jacket bullet, a bullet core fragment, and a bullet jacket fragment, which were all were part of one projectile or round. BFS examined and analyzed the items. It was determined that either Detective Lampignano's or Detective Chalmers' duty firearm fired the bullet that fatally hit Mr. Lopez. Detective Rothrock's duty firearm and the Polymer 80 pistol were excluded.

BFS conducted an examination of the Toyota Camry that was located at the scene of OIS # 1 and towed as evidence. The vehicle had five holes in the rear exterior window, three ricochet marks on the roof, one hole in the rear right side passenger window, and two cracks in the right side front window. The hole on the right rear passenger side window had cratering on the exterior side indicating that it was an exit hole, with a bullet path from the interior of the vehicle to the exterior. The ricochet marks on the roof appeared to have come from the rear left of the vehicle.⁶ One hole in the top of the rear window appears to enter the interior roof. A dent in the metal on the interior of the vehicle was observed but no bullet was retrieved. Various bullet fragments were recovered from inside the vehicle.

Law Enforcement Witness Statements

Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714 [individuals have right to remain silent and decline to answer questions in the face of official questioning]; see generally *Miranda v. Arizona* (1966) 384 U.S. 436, 467.)

All nine (9) involved LASD officers provided voluntary statements. Only statements from the officers who observed all or part of the OIS incidents are discussed herein. Any additional officer interviews merely corroborating the witnesses' statements are omitted. The following statements are summaries

⁶ This was approximately where Detective Rothrock took cover or fell. Thus, it appears that Detective Rothrock fired at Mr. Mora while in this position.

of their interviews, which describe the incidents from the vantage point of that particular witness. The interviews may contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of the incident as they are currently understood.

Statement of Detective Ryan Rothrock

On February 22, 2022, Detective Rothrock was interviewed at the LASD Homicide Bureau. DOJ Special Agent Genens and LASD Detective Rugeiro and Sergeant Austin conducted the interview. Detective Lampignano was represented by counsel, Mr. Kurcharski, and co-counsel, Mr. Alvarado, who were present during the interview. Detective Rothrock reviewed surveillance videos before the interview.

On February 17, 2022, Detective Rothrock attended the briefing at the Norwalk station regarding the surveillance and apprehension of Mr. Mora. This briefing included information regarding Mr. Mora's criminal history.

On that date, Detective Rothrock was wearing plainclothes: a gray and black hooded sweatshirt, dark blue jeans, and black tennis shoes. He was wearing a green Kevlar bulletproof vest with the letters "Sheriff" on the front and back, and dark blue jeans. He was armed with a Beretta 92F handgun.

During the surveillance of 12146 Foster Road, Detective Rothrock was in a blue Dodge Charger parked near the target location. Around 7:00 PM, Detective Rothrock heard Detective Chalmers state on the radio that a person matching Mr. Mora's description exited the front door of the location. Detective Chalmers was unable to say with 100 percent certainty that this person was Mr. Mora, and he needed another deputy to drive by to get a closer look. Detective Rothrock responded that he would do so.

Detective Rothrock drove westbound on Foster Road and saw Mr. Mora walking westbound on the south sidewalk of Foster Road towards the intersection with Funston Avenue. Detective Rothrock saw Mr. Mora stop on the southeast corner of Foster Road and Funston Avenue. Detective Rothrock saw Mr. Mora look around in all directions. Detective Rothrock stopped at the stop sign at Funston Avenue. Detective Rothrock looked directly south and, from approximately 25 feet away and with his window down, was able to positively identify Mr. Mora. As Detective Rothrock was about to communicate this information, Detective Chalmers gave the order to "roll in."

Detective Rothrock placed his car into park, exited his vehicle, pulled out his firearm in a low-ready position, and advanced towards Mr. Mora, stating "Sheriff's Department. Let me see your hands." Mr. Mora took a few steps eastbound and reached towards his waistband with his right hand. A parked Toyota Camry was feet from where Mr. Mora stood. Mr. Mora began to pull a firearm out of his waistband. Detective Rothrock again stated, "Let me see your hands. Sheriff's Department." Mr. Mora "back peddl[ed]" away from Detective Rothrock, and took a few more steps to the other side of the Toyota Camry. Detective Rothrock again yelled, "Let me see your hands." Detective Rothrock saw Mr. Mora pull a black or dark green semiautomatic handgun out of his waistband, take a step forward, and point it at him.

Based on the fact that Detective Rothrock had given Mr. Mora several commands, and that Mr. Mora had failed to comply and pulled a handgun out and pointed it in his direction, Detective Rothrock believed that Mr. Mora was attempting to take his life. Detective Rothrock fired approximately eight to ten rounds at Mr. Mora and then ducked approximately three feet behind the trunk of the Toyota Camry.

When Detective Rothrock looked up, he saw Mr. Mora approximately three to five feet away from the passenger side of the Toyota Camry, with his hand raised over his head, holding the firearm and pointing it downwards at him. Detective Rothrock heard approximately five to eight gunshots, which he felt go “right past [his] head.”⁷ Detective Rothrock “hit the floor” and attempted to use the Toyota Camry as cover. When the gunfire stopped, Detective Rothrock looked up and saw Mr. Mora running eastbound on the sidewalk while pointing the handgun back in Detective Rothrock’s direction.

After that, Detective Rothrock saw Detective Chalmers get out of his vehicle close to where Mr. Mora was running. Detective Rothrock did not fire additional rounds at Mr. Mora at that point because Detective Chalmers was nearby.

Detective Rothrock heard five to six more gunshots, but could not tell who fired those gunshots. Mr. Mora continued running eastbound on the sidewalk past Detective Chalmers, and then ran southbound into one of the properties.

Detective Rothrock then heard, “Let me see your hands,” and approximately eight to ten more gunshots. Detective Rothrock was approximately 50 to 60 yards away when this occurred. The only person in Detective Rothrock’s view at this point in time was Detective Chalmers, who was standing beside the driver’s side door of his vehicle and who was not shooting.

Detective Rothrock then ran to Detective Chalmers to check if he was injured. Detective Rothrock ran approximately 40 to 45 feet east to Detective Chalmers’ location. Detective Rothrock could tell that Detective Chalmers was distressed. Detective Rothrock asked Detective Chalmers to call for additional units.

Detective Rothrock retreated to his car to get an AR-15. When Detective Rothrock arrived to his vehicle, he realized that he was “in a little bit of shock” and had tunnel vision.

Detective Rothrock took cover behind a vehicle just east of 12152 Foster Road to ensure that Mr. Mora did not run east. Detective Rothrock held that position for several minutes until additional personnel arrived.

Statement of Detective Bryce Chalmers

On February 22, 2022, Detective Chalmers was interviewed at the LASD Homicide Bureau. DOJ Special Agent Genens and LASD Detective Rugeiro and Sergeant Austin conducted the interview. Detective Chalmers was represented by counsel, Mr. Kurcharski, and co-counsel, Mr. Alvarado, who were present during the interview.

On February 17, 2022, Norwalk Station Detective Lopez called and requested assistance from GSU in apprehending a suspect of an attempted carjacking. Later that day, Detective Lopez conducted a briefing at the Norwalk Station Detective Bureau regarding the surveillance and apprehension of Mr. Mora. At the briefing, Detective Chalmers learned Mr. Mora’s criminal history, which he noted was “pretty unremarkable as far as violence goes[,]” and “a lot of it was property-related[.]”

⁷ As discussed, it does not appear that Mr. Mora fired his weapon on February 17, 2022.

Detective Chalmers and other GSU deputies set up their surveillance operation in the vicinity of 12146 Foster Road. Detective Chalmers took the position of what is referred to as “the eye,” where he could observe the entrance of 12146 Foster Road. Detective Chalmers was parked on the north side of Foster Road in a black Jeep Grand Cherokee. He was wearing a blue sweater and blue jeans. Detective Chalmers was not wearing a green LASD bulletproof vest because he was trying to blend in and believed doing so would have been “tactically unsound.”

Detective Chalmers saw a man with a hood exit 12146 Foster Road and enter the porch. Detective Chalmers looked through his night vision but was unable to see the individual’s face. Detective Chalmers asked Sergeant Gomez to drive by to attempt to identify the individual. Sergeant Gomez drove by and said that the individual looked similar to Mr. Mora but was unable to make a positive identification.

As the man exited the porch area, Detective Chalmers saw that the individual had a receding hairline, which was part of the description of Mr. Mora. Detective Chalmers again requested that a deputy drive by and make a positive identification. Detective Rodriguez did so, and was able to positively identify the individual as Mr. Mora.

At this point, Mr. Mora was standing on the southeast corner of Foster Road and Funston Avenue. Detective Chalmers told the team, “let’s go ahead and take him down,” which, according to Detective Chalmers, meant to effect an arrest.

Detective Chalmers left his position on the north side of Foster Road and drove westbound towards Mr. Mora’s location on the southeast corner of Foster Road and Funston Avenue. Detective Chalmers saw Detective Rothrock parked in the middle of Foster Road. Detective Chalmers heard, “Sheriff’s Department, let me see your hands.” Detective Chalmers saw Mr. Mora reach into his waistband and pull out a semiautomatic pistol, raise it towards Detective Rothrock, and fire the weapon. Detective Chalmers did not see Detective Rothrock fire his weapon or fall to the ground.

Detective Chalmers stopped his car in the driveway apron of an apartment complex on the south side of Foster Road. Detective Chalmers heard gunshots and saw Mr. Mora running westbound, pointing the handgun towards the west, in the direction of his partners. Detective Chalmers believed that Mr. Mora was firing at his partners and exited his vehicle, stood in the door jamb area of the front driver’s side door, and said “Stop!” as Mr. Mora approached. Detective Chalmers fired at Mr. Mora, who was approximately six to seven feet away. Mr. Mora turned towards Detective Chalmers, who saw the muzzle of Mr. Mora’s firearm pointed at him. Detective Chalmers fired additional rounds at Mr. Mora.

Detective Chalmers saw Mr. Mora run eastbound on the sidewalk with the pistol in his right hand. When Mr. Mora approached a white van parked just past Detective Chalmers’ location, Mr. Mora looked back and raised the pistol in Detective Chalmers’ direction. Detective Chalmers fired multiple rounds at Mr. Mora.

Mr. Mora continued running down the sidewalk, while Detective Chalmers moved to the sidewalk to maintain a clear visual of Mr. Mora. Mr. Mora turned southbound—out of Detective Chalmers’ sight—and then Detective Chalmers heard a sound like a body crashing through a picket fence, or a fence crashing over.

Detective Lampignano approached Detective Chalmers and asked if he was injured. Detective Lampignano and Detective Chalmers proceeded towards 12152 Foster Road in the street in order to have a barrier of vehicles between themselves and Mr. Mora.

As the detectives approached 12152 Foster Road, Detective Chalmers heard a volley of shots from Detective Lampignano, who said that Mr. Mora has “got a gun, he’s pointing it at me, he’s pointing the gun at me, get down.” Detective Chalmers ducked. When the volley of shots ceased, Detective Chalmers took a position on the eastside of the residence because he believed Mr. Mora was likely to flee around the back of the residence and proceed eastward. Detective Chalmers heard more rounds being fired and looked at Detective Lampignano, who was firing his weapon. Detective Chalmers returned to where Detective Lampignano was positioned and looked down the side yard without illuminating his firearm flashlight, but it was “just completely pitch black.”

Shortly thereafter, assisting officers arrived, and Detective Chalmers removed himself from the situation. While returning to his vehicle, the gravity of the incident and the fact that he almost died began to set in.

Statement of Detective Giovanni Lampignano

On February 22, 2022, Detective Lampignano was interviewed at the LASD Homicide Bureau. DOJ Special Agent Genens and LASD Detective Rugeiro and Sergeant Austin conducted the interview. Detective Lampignano was represented by counsel, Mr. Kurcharski, and co-counsel, Mr. Alvarado, who were present during the interview. Detective Lampignano reviewed surveillance video prior to the interview.

On February 17, 2022, Detective Lampignano attended the briefing conducted by Detective Lopez at the Norwalk Station regarding the surveillance and apprehension of Mr. Mora. At the briefing, Detective Lampignano learned Mr. Mora’s criminal history, including that he had four felony convictions, a conviction for domestic violence, and arrests for narcotics, but that there was not a history of using firearms or assaulting officers.

Detective Lampignano recalled that GSU initially focused on the 76 gas station where the carjacking occurred and where Mr. Mora’s girlfriend worked, figuring that Mr. Mora could be on foot in the vicinity. That location was ruled out because Mr. Mora’s girlfriend was not working at the time. Thereafter, GSU focused on 12146 Foster Road.

GSU units were set up north, south, east, and west of 12146 Foster Road. Detective Lampignano parked on Funston Avenue, just north of Foster Road in a gray Ford Edge. Detective Lampignano was wearing a black long-sleeve shirt and blue jeans and was wearing a green LASD vest with the letters “Sheriff” on the front and back. In that position, Detective Lampignano had a view of half of 12146 Foster Road: while he could not see the front door, he was able to see everything west on Foster Road, all the way to Durkin’s Liquor Store.

Deputy Lampignano heard Detective Chalmers state over the radio that he saw an individual matching Mr. Mora’s description, and that this individual exited, looked around the neighborhood, and then went back inside. Within a few minutes, Detective Chalmers stated that the individual exited the residence and was walking westbound on Foster Road. Detective Chalmers asked a deputy to drive by and confirm. Deputy Rodriguez drove towards the southeast corner of Foster Road and Funston Avenue. At that same time, Detective Lampignano—who was using binoculars—was able to identify

Mr. Mora based on his clear glasses and a unique patch of hair or piercing near his lower lip. Detective Lampignano noticed that Mr. Mora appeared to be acting in a very vigilant, attentive, and erratic manner. Based on this behavior, Detective Lampignano believed that Mr. Mora was under the influence of methamphetamine. Detective Lampignano stated, “100 percent, that’s our guy.” Around this same time, Rodriguez stated, “That’s our guy. That’s our guy.”

Detective Chalmers responded, “All right. Let’s go and take him down.” Detective Lampignano saw Detective Rothrock at the stop sign of Foster and Funston. Detective Lampignano started his vehicle and drove towards the intersection in order to intercept Mr. Mora to prevent him from fleeing. As Lampignano drove across the intersection, Detective Lampignano saw Detective Rothrock open his door, exit his vehicle, approach Mr. Mora, and yell, “Sheriff’s Department, get on the ground.” Detective Lampignano saw Mr. Mora reach down with his left hand, pull up his t-shirt, and begin to pull out a handgun with his right hand. Mr. Mora moved southeast in a horseshoe direction and then moved back towards Detective Rothrock while pulling out a handgun. Detective Lampignano saw this handgun as “clear as day.”

Detective Lampignano briefly lost sight of Mr. Mora as he stopped and exited his vehicle. When Detective Lampignano looked up, he saw shards of glass coming towards Detective Rothrock, which he believed to be gunfire. Detective Lampignano instinctively tried to get down. Detective Lampignano saw Detective Rothrock fall and believed that Detective Rothrock had been struck.

Detective Lampignano exited his vehicle, saw Detective Rothrock stand up, and saw Mr. Mora run eastbound with a pistol in his hand. Detective Lampignano saw Mr. Mora turn back in his direction. Detective Lampignano believed that Mr. Mora was shooting in his direction.

Detective Lampignano saw Mr. Mora approach a metal apartment fence and manipulate his firearm while focused back in his direction. Detective Lampignano momentarily looked away to avoid civilian traffic while he was in the street. When Detective Lampignano looked back, Mr. Mora was gone. Detective Lampignano then heard gunfire and ran eastbound and saw the driver’s side door of Detective Chalmers’ vehicle open. Detective Lampignano believed that Detective Chalmers had been shot. Detective Lampignano went around the back of Detective Chalmers’ jeep and checked to ensure that Detective Chalmers was uninjured. Detective Chalmers stated, “I think the suspect’s down behind—the box truck.”

Detective Lampignano ran eastbound and heard “screaming or animal sounds”; his attention was drawn to the porch of a single-family dwelling at 12152 Foster Road. Detective Lampignano saw Mr. Mora on the porch near the front door. With his firearm in an “up” position, Detective Lampignano yelled, “[s]top, Sheriff’s Department. Sheriff’s Department, stop.” Mr. Mora turned and ran westbound while pointing the pistol at Detective Lampignano.

Detective Lampignano saw lights illuminated in the residence behind Mr. Mora. He explained his thinking: “it was tough because I—I thought I was gonna get shot. But I didn’t wanna shoot—I thought I was gonna take one. I—I said, you know, I’m just gonna probably take one, hopefully it misses but I can’t shoot right now, because it looks like people are home.”

Mr. Mora continued to point the pistol while he moved towards the side yard. Detective Lampignano shined his firearm light at Mr. Mora and saw a long alley or side yard behind him, with red or brown

wood backing behind. Detective Lampignano believed this to be a “junk alley” or nook that did not go all the way back based on what he was able to see at the time. Detective Lampignano fired three to five rounds while Mr. Mora was facing him and pointing the handgun at him. Mr. Mora either fell down, or went through a fence and fell down.

Detective Lampignano’s turned his firearm light off because he did not want Mr. Mora to see his light and shoot in his direction. When Detective Lampignano turned his light back on, he initially did not see anything, but then Mr. Mora stood up and appeared like he was coming towards Detective Lampignano. Detective Lampignano explained that Mr. Mora’s “[f]ace looks big, gun looks huge, and it looks like now he’s aggressing me. I’m thinking, holy shit, like, I don’t—this guy’s gonna kill me. He’s coming back to kill me.” Detective Lampignano shot an additional three to five rounds at Mr. Mora. Detective Lampignano heard a growling, screaming, angry noise. Mr. Mora turned and made his way down the side yard with an unusual gait.

During this time, Detective Lampignano yelled to his partners, “I got him right here. He’s right here. He’s right here. He’s got a gun. He’s right here.” When Mr. Mora was in the middle or back end of the side yard, he turned his body back towards Detective Lampignano. Detective Lampignano observed the outline of a firearm and believed that Mr. Mora was going to shoot at him. Detective Lampignano fired one more round at Mr. Mora, who disappeared down the side yard.

Detective Lampignano believed that Mr. Mora would go behind the property and flee in an eastbound direction, so Detective Lampignano ran eastbound and took a position in that direction.

Detective Saavedra approached Detective Lampignano, and they attempted to discern where Mr. Mora might appear. Two residents in a nearby apartment exited; Detective Lampignano told them to stay inside. A woman exited 12152 Foster Road and flagged them down, stating, “There’s somebody in my house. I don’t know him and he says he’s shot.”

Several other residents of 12152 Foster Road exited, and Detective Lampignano attempted to confirm that there was nobody else in the residence that Mr. Mora might be able to harm or take hostage. A woman confirmed that nobody else was home. Detective Lampignano flagged down an unknown responding deputy and told him to remove the civilians from the containment area.

Shortly thereafter, many other LASD units arrived. Detective Chalmers and Detective Lampignano checked on each other to ensure that they were uninjured, which they were not. They then removed themselves from the situation.

Statement of Detective Eric Saavedra

On February 22, 2022, Detective Saavedra was interviewed at the LASD Homicide Bureau. DOJ Special Agent Genens and LASD Detective Rugeiro and Sergeant Austin conducted the interview. Detective Saavedra was represented by counsel, Mr. Kurcharski, during the interview. He reviewed surveillance videos before the interview.

On February 17, 2022, Detective Lopez requested assistance from Detective Chalmers in arresting a carjacking suspect. Detective Lopez emailed information to Detective Chalmers. Detective Saavedra assisted Detective Chalmers in putting together an operations plan with the information.

At Norwalk Station, Detective Chalmers conducted an informal briefing in the parking lot with GSU deputies, and then they attended a briefing inside Norwalk Detective Bureau. Detective Chalmers formed a plan to surveil and apprehend Mr. Mora, and delegated where the GSU deputies would be located.

Later, Detective Saavedra was in a blue Dodge Ram providing backup to Detective Chalmers while they surveilled 12146 Foster Road. Detective Saavedra was wearing a grey sweatshirt and a baseball cap and black tennis shoes.

Within 10 to 15 minutes of surveilling the location, Detective Chalmers stated that he believed he saw the suspect exit, but asked for another deputy to drive by and make a positive identification. Detective Saavedra drove by and saw the suspect's side profile, but was unable to positively identify him. Detective Saavedra parked about two blocks away and waited for further instructions.

Approximately 15 to 20 minutes later, Detective Chalmers stated that the individual had exited again, and was walking westbound. Detective Chalmers requested that another deputy drive by to make a positive identification. Detective Rodriguez provided a positive identification, and Detective Chalmers gave directions to "roll in."

Detective Saavedra drove eastbound on Foster Road towards the intersection with Funston Avenue. While driving, Detective Saavedra put on his green LASD vest with the letters "Sheriff" on the front and back. When Detective Saavedra was approximately one block away, he heard a volley of gunfire, and then a second volley of gunfire. When he arrived to the corner of Foster Road and Funston Avenue, he saw Detective Rothrock stumbling behind a car and crouching down like he had been fired upon. Detective Saavedra saw Mr. Mora running eastbound on the sidewalk looking back over his left shoulder.

Detective Saavedra asked Detective Rothrock if he had been hit; Detective Rothrock said, "[n]o, I'm good. I tripped." Detective Saavedra saw Mr. Mora run eastbound on the sidewalk and make a right turn where he either ran through or jumped over a short gate. Detective Saavedra ran down the middle of the street towards Detective Lampignano, who was in front of the property. When Detective Saavedra was approximately ten to 15 yards away from Detective Lampignano, Detective Saavedra saw Detective Lampignano discharge his firearm, and say "gun" several times, and "He's got a gun, watch out."

Detective Saavedra saw Mr. Mora turn down the side yard and disappear. Detective Saavedra used his firearm flashlight to illuminate the side yard, and at that point civilians exited from an apartment complex and pointed. Detective Saavedra and Detective Lampignano contained the east side of 12152 Foster Road for a short period of time. Detective Saavedra asked Detective Lampignano if he was injured, and he heard other deputies yelling to each other to check if they were hurt. At that point in time, occupants of 12152 Foster Road exited. Detective Saavedra made contact with one resident who said, "The guy's in our house and he says he's shot." Detective Saavedra, worried that Mr. Mora could take hostages, attempted to assess whether any other people remained in the house. The occupants confirmed that there was nobody remaining inside the house; one woman stated, "My dad left. Five minutes before the shooting he left on his bike."⁸ Detective Saavedra directed the residents to a safe location.

⁸ The woman was referring to Mr. Lopez.

When SWAT arrived on the scene, Detective Saavedra returned to Norwalk station.

Detective Saavedra clarified that he saw Mr. Mora twice during the incident: first, when Mr. Mora was running down the sidewalk; and second, in the yard of 12152 Foster Road for a brief moment. Detective Saavedra did not see whether Mr. Mora was armed.

Statement of Detective David Rodriguez

On February 24, 2022, Detective Rodriguez was interviewed at the LASD Homicide Bureau. DOJ Special Agent Genens and LASD Detective Rugeiro and Sergeant Austin conducted the interview. Detective Rodriguez was represented by counsel, Mr. Kurcharski, during the interview. Detective Rodriguez reviewed surveillance videos before the interview.

Around 4:00 PM on February 17, 2022, Detective Chalmers received a call from Detective Lopez asking for assistance in apprehending a suspect. Detective Rodriguez and other GSU deputies met at Norwalk station inside the Detective Bureau and got a “run down” of the case. Detective Rodriguez reviewed a flyer with a photograph of the suspect and became familiar with his appearance. Detective Rodriguez was provided with a verbal overview of Mr. Mora’s criminal history, which included theft and drug offenses, but not crimes of violence.

That evening, they went to 12146 Foster Road. Detective Chalmers parked in a location near the residence. The other GSU deputies “saturated” an approximately one mile-radius area based on information that Mr. Mora is often seen in the nearby alleys and at a liquor store.

Detective Rodriguez set up northwest of 12146 Foster Road, facing Durkin’s Liquor Store. Detective Rodriguez was driving a white Nissan Frontier. He was wearing plainclothes and a green LASD vest with the letters “Sheriff” on the front and back.

Detective Chalmers stated over the radio that he saw a man that he believed to be the suspect but that he did not get a good look. Detective Chalmers stated that the man exited the property and was walking towards the liquor store. Detective Rodriguez drove to the stop sign where he positively identified the individual as Mr. Mora.

Detective Rodriguez continued driving southbound, and looked back through his side-view mirror at Mr. Mora, who followed Detective Rodriguez with his eyes and appeared to be very vigilant of the cars that were passing. Detective Rodriguez then heard, “Sheriff’s Department” and a volley of gunfire. Detective Rodriguez “curled up” in the event that shots were coming towards him. Detective Rodriguez did a U-turn, and heard an additional volley of gunfire.

After making the U-turn, Detective Rodriguez approached the intersection of Foster Road and Funston Avenue, and heard a third volley of gunfire. He saw Detective Rothrock, with his pants ripped, and limping as if he was injured. Detective Rothrock was “wide-eyed,” and said “he shot at me” with a look of shock on his face.

Detective Rodriguez drove east and saw Detective Lampignano pointing towards the residence at 12152 Foster Road. At that time, occupants begin to exit and indicated that Mr. Mora ran down the side of the house and entered through a side door. Detective Rodriguez looked down the side yard and saw that the side yard was very dark and difficult to see through because of shrubbery.

Detective Rodriguez attempted to learn whether there was anybody remaining inside. The civilians were moved to a safe location, and Detective Rodriguez began to communicate with other deputies to set up a containment of the area. Later, Detective Rodriguez learned that one person, whom the occupants referred to as “grandpa” was unaccounted for; they stated that he had been outside on the phone but was not in the house when Mr. Mora entered. They asked Detective Rodriguez if his bicycle was present.

When SWAT and K9 units arrived, Detective Rodriguez returned to Norwalk station.

Detective Rodriguez clarified that he heard gunshots, but did not visually see the source of any of the gunshots.

Statement of Detective Anthony Federico

On February 24, 2022, Detective Federico was interviewed at the LASD Homicide Bureau. DOJ Special Agent Genens and LASD Detective Ruggeiro and Sergeant Austin conducted the interview.

On February 17, 2022, Detective Federico attended the briefing at Norwalk Station regarding the surveillance and apprehension of Mr. Mora conducted by Detective Lopez. This included a description of Mr. Mora’s criminal history, which Detective Federico described as not “too bad.”

After the briefing, the GSU team went to the area at issue and dispersed in an effort to locate Mr. Mora. Detective Federico, who was driving a dark blue GMC Acadia, went to the 76 gas station where Mr. Mora’s girlfriend worked. Detective Federico saw that a male Latino was working, and advised the GSU team that the 76 gas station could be ruled out.

Another GSU deputy stated over the radio that he saw a person matching the description of the suspect at 12146 Foster Road, so the other deputies responded to that location. Detective Federico positioned himself directly in front of Durkin’s Liquor Store.

Detective Chalmers stated that the suspect was outside but that it was dark and needed to use his night goggles to confirm. At that time, the suspect walked towards the liquor store on the south sidewalk of Foster Road. Detective Chalmers asked a couple of the “roller units” to drive by to make a positive identification of the suspect. Detective Rodriguez made a positive identification. Mr. Mora then stopped at the intersection of Funston Avenue and Foster Road. Detective Federico removed his green LASD vest because he did not want Mr. Mora to see him wearing it.

Detective Federico’s attention was disrupted when the owner of Durkin’s Market asked Detective Federico to move his vehicle because it was customer parking. The owner placed his hand in his pocket as if he had a firearm. Detective Federico identified himself and ordered the owner to return inside.

Detective Federico saw Mr. Mora stop at the corner and look down the street. After Detective Chalmers gave the directions to “roll in,” Detective Rothrock stopped his Dodge Charger at the stop sign of the intersection of Foster Road and Funston Avenue. Detective Federico heard gunshots but had difficulty seeing because Mr. Mora was wearing a dark-colored or black long sleeve shirt, while Detective Rothrock was wearing a black shirt with a green vest. Detective Federico did not hear any verbal exchange between Detective Rothrock and Mr. Mora because his windows were rolled up.

Detective Federico exited the vehicle. The liquor store owner again exited the store and Detective Federico ordered him back inside. Detective Federico lost sight of Detective Rothrock but continued to hear gunshots and then saw a person run and take cover behind a car, but he could not see who it was. Based on the sounds that he heard, Detective Federico believed that people were shooting simultaneously at each other.

Detective Federico saw Detective Rothrock fall in the intersection, behind a car. Detective Federico saw Sergeant Gomez and Detective Rodriguez pull up, so Detective Federico also proceeded towards the intersection.

Detective Rothrock took cover behind a car, while the other GSU deputies focused east. Detective Federico did not see Mr. Mora's location, but assumed that he ran east on Foster Road. Detective Rothrock came behind the car and Detective Federico made sure that he was uninjured. Detective Rothrock appeared scared and dazed. Detective Rothrock said that Mr. Mora ran.

Detective Federico saw Detectives Lampignano and Chalmers taking cover behind a parked car and focused southbound in front of 12152 Foster Road. He heard gunshots but could not tell how many, and was unable to see who was shooting. Detective Federico was instructed to put out a call for additional units. Detective Federico obtained an AR-15 firearm from his vehicle and set up in front of 12152 Foster Road in the event that Mr. Mora came out shooting.

Detective Federico said that after the occupants of 12152 Foster Road exited the residence, they were asked several times whether anybody else was in the house. They confirmed that there was not. Approximately two or three hours later, the family mentioned the "old man," but said that "if his bike is not there, he's probably gone."

Detective Federico held a position for several hours until LASD Special Enforcement Bureau (SEB) units arrived. Detective Federico then returned to Norwalk station.

Statement of Sergeant Samuel Gomez

On February 24, 2022, Sergeant Gomez was interviewed at the LASD Detective Bureau. DOJ Special Agent Genens and LASD Detective Ruggeiro and Sergeant Austin conducted the interview. Sergeant Gomez did not review any video before the interview.

Around 4:00 PM on February 17, 2022, Detective Chalmers called Sergeant Gomez and informed him that a Norwalk Station detective contacted him regarding an urgent matter. Sergeant Gomez went to Norwalk station where he and other GSU deputies were briefed by Detective Lopez. During the briefing, Sergeant Gomez learned of Mr. Mora's criminal history, which was mostly property crimes and did not reveal anything violent or other "red flags[.]"

That evening, GSU deployed in the area of 12146 Foster Road. Detective Chalmers assigned himself as "the eye" in order to have a good visual on the target location. Sergeant Gomez set up in an alley behind the location in a burgundy Nissan Maxima.

Detective Chalmers saw the potential suspect exit and asked for another member to drive by to make a positive identification. Sergeant Gomez drove by and saw the potential suspect but was unable to confirm that it was Mr. Mora.

A short while later, the potential suspect exited again and Detective Chalmers called for another vehicle to drive by to identify him. Detective Rodriguez positively identified Mr. Mora.

At that point, Sergeant Gomez, who had returned to the rear of 12146 Foster Road, put on his LASD bulletproof vest. Sergeant Gomez heard Detective Chalmers direct the units to “roll in” and detain Mr. Mora. As Sergeant Gomez was facing eastbound exiting the alley, he heard gunfire emanating from the corner of Foster Road and Funston Avenue.

Sergeant Gomez made a right turn and turned his lights and sirens on. As he approached the intersection, he saw Detective Saavedra’s blue pickup truck and Detective Lampignano’s silver Ford Edge at the corner. As Sergeant Gomez rounded the corner, he saw a “dark shadow” running eastbound.

Sergeant Gomez attempted to drive around his partner’s vehicles, but a civilian vehicle was coming in the opposite direction, so Sergeant Gomez had to stop and wait for a moment. Sergeant Gomez heard more gunfire.

Sergeant Gomez drove to Detective Lampignano, who was taking cover behind a red truck in the driveway of the property just east of 12152 Foster Road. Sergeant Gomez parked and asked if Detective Lampignano was injured. Detective Lampignano confirmed that he was uninjured and indicated that the suspect ran towards the rear of the location.

Sergeant Gomez returned to the alley in the rear of 12152 Foster Road and held that position for approximately two minutes until a Norwalk Station patrol unit arrived. Sergeant Gomez then drove back to the front of the location. He contacted Detectives Chalmers, Rothrock, and Lampignano to verify that they were the only officers involved in the shootings and then had them sequestered from the scene when other personnel arrived.

Detectives Rothrock, Chalmers, and Lampignano provided Sergeant Gomez with “public safety statements” at the scene:

Detective Rothrock stated that when he saw Mr. Mora near the corner, he exited his vehicle wearing his vest, attempted to detain Mr. Mora at gunpoint, and announced himself as a Sheriff’s Deputy. Mr. Mora hid behind the vehicle that was parked at the corner facing eastbound. Detective Rothrock saw Mr. Mora reach to his waistband for a firearm. Mr. Mora retrieved a firearm and a deputy-involved shooting occurred. Detective Rothrock believed that he fired approximately eight to nine rounds and fell to the ground. He then saw Mr. Mora go eastbound and heard additional shots. Detective Rothrock stated that Mr. Mora retrieved his firearm, pulled the firearm out, pointed it at him, and he believed that Mr. Mora fired rounds at him.

Detective Chalmers stated that he saw Mr. Mora, heard gunshots and made the decision to assist Detective Rothrock. Detective Chalmers jumped out of his vehicle and fired about eight or nine rounds toward Mr. Mora, who was facing westbound. When Detective Chalmers engaged, Mr. Mora turned with the firearm still in hand and pointed it in his direction, which prompted Detective Chalmers to fire more rounds. Mr. Mora ran eastbound, and Detective Chalmers also ran eastbound. Detective Chalmers then heard additional gunfire and took cover because he was uncertain “if he was taking rounds or what was going on.”

Detective Lampignano stated that he was on foot and engaged Mr. Mora in front of 12152 Foster Road. A deputy involved shooting occurred. Detective Lampignano believed that he fired approximately 12 to 14 rounds, which he fired southbound towards where Mr. Mora was standing.

Statements of Emergency Responders

On March 14, 2022, Deputy Garrick Twedt was interviewed by DOJ Agent Genens and LASD Detective Ruggiero. Deputy Twedt, an LASD tactical paramedic, responded to 12152 Foster Road on February 17, 2022. Deputy Twedt arrived with Deputy Brice Stella in a MEDCAT vehicle, an armored ambulance, approximately between 8:00 and 9:00 PM. As they arrived on scene, the paramedics were advised to stand by until the SWAT team made entry into the residence. At approximately 1:00 AM, the SWAT team made entry and Deputy Stella and Deputy Twedt entered the residence. Inside, they found Mr. Mora with at least four non-fatal gunshot wounds to his abdomen, lower back, left elbow and right foot.

Deputy Twedt stated that he was called outside to assist with a second victim. When Deputy Twedt stepped outside towards the side of the house, he saw an unknown male (Mr. Lopez) lying in a supine position. Deputy Twedt noted that the male was lying face-down with his head facing south and his feet facing north. The male appeared to have a large amount of blood pooling around him. The blood appeared to be coming from the back area of the head. It appeared that the male was not breathing. At that point, Deputy Twedt notified the Los Angeles County Fire Department (LAFD). Deputy Twedt continued his examination of the unknown male and noticed what appeared to be a gunshot wound to the back of the head. Deputy Twedt was unable to locate a pulse. When LAFD paramedics arrived on scene, Deputy Twedt transferred the medical care for the unknown male patient to LAFD.

LAFD Emergency Medical Services (EMS) firefighter and paramedic Chase Kelley was interviewed by DOJ Agents Genens and Hernandez on February 13, 2023. Firefighter Kelley was called out to 12152 Foster Road on February 17, 2022, to be staged near an incident where firearms were involved. Firefighter Kelley waited for several hours before he was cleared to assist at the scene. Firefighter Kelley was told that there were two patients that needed medical assistance. Firefighter Kelley eventually was called to the right side of the residence. Firefighter Kelley noticed a male (Mr. Lopez), who was lying supine or slightly right lateral on the side of the house and had significant trauma to the back of his head. There was a significant amount of blood. The male presented with signs of rigor mortis and appeared to have been there for a while. Firefighter Kelley examined the male and determined that the male, who was pulseless and not breathing, had likely passed prior to their arrival. Firefighter Kelley noted a gunshot wound to the male's head and pronounced the male dead at the scene.

LAFD Captain Scott Miller was interviewed by DOJ Agents Genens and Samuel Richardson on February 11, 2023. Captain Miller and several LAFD paramedics were dispatched to 12152 Foster Road at approximately around 7:00 PM on February 17, 2022. Captain Miller and other LAFD personnel were initially situated at a command post established by LASD while negotiations between LASD and Mr. Mora were occurring. Eventually, LAFD personnel were cleared to enter the scene to provide medical assistance to Mr. Mora and to a potentially deceased male located on the side of the house. Several LAFD paramedics attended to Mr. Mora, while Firefighter Kelley and Captain Miller entered the side yard on the western side of 12152 Foster Road. One or two LASD deputies were in the side yard at that time. There, Captain Miller observed the male (Mr. Lopez) lying on his back in a pool of blood. Firefighter Kelley and Captain Miller checked the male to determine whether he was breathing or if he had a pulse. During that evaluation, they found that the male was pulseless and apneic, and determined that he was deceased.

Civilian Witness Statements

The following statements are summaries of civilian witness interviews, which describe the incident from the point of view of each individual. The interviews contain facts relayed by the witnesses that may be inaccurate or inconsistent with the facts of this incident as they are currently understood. Any additional witness statement from neighbors of 12152 Foster Road who described the hearing of gunshots—without any additional observations relevant to this investigation—is omitted.

Statement of W-2

On February 17, 2022, at 11:08 PM, W-2 was interviewed at the scene by LASD investigators Austin and Ruggiero, with Deputy Luis Pena acting as a Spanish language interpreter. W-2 was the mother of W-3 and the grandmother of W-4. W-2 was Mr. Lopez's wife.

Before the incident occurred, Mr. Lopez's daughter (W-6) called him. Mr. Lopez went outside and left while he was on the phone.

W-2 was inside her residence lying down watching television. She heard gunshots and told her daughters to get to the floor. She got up to lock the door to her bedroom, but as she was doing so, Mr. Mora pushed through the door. Mr. Mora told her to "shut up" or "stay quiet," that he was not going to do anything to her, and to call the police. Mr. Mora sat down in the dining room.

W-2 saw that Mr. Mora was wearing baggy black pants and boxer shorts. She did not see any blood. She had never seen Mr. Mora before. W-2, her daughter, and granddaughter exited the residence.

Statement of W-3

On February 17, 2022, at 11:37 PM, W-3 was interviewed at the scene by LASD investigators Austin and Ruggiero. W-3 was the daughter of W-2, stepdaughter of Mr. Lopez, and the mother of W-4.

W-3 was watching television inside their residence at 12152 Foster Road with her mother, her daughter, her granddaughter, and her brother. W-3 heard gunshots outside. W-3 opened the front door, thinking that Mr. Lopez was outside. She did not see Mr. Lopez, so she closed the door and ran into the living room. There, her mother was speaking with Mr. Mora. Mr. Mora stated, "[o]h, I live here next door. I'm injured." W-3 asked him, "What do you want me to do? You want me to call the cops?" Mr. Mora stated, "Yeah, call the cops." Mr. Mora also stated that somebody was "looking for [him]." W-3 told her mother, "Mom, they're looking for that guy. The cops are looking for him." W-3 told Mr. Mora to sit down because he said that his leg was injured. W-3 paid particular attention to Mr. Mora's waistband to see if he was armed, but she did not see any weapons. Shortly thereafter, W-3, her mother, daughter, and granddaughter all exited the residence.

Statement of W-4

On February 17, 2022, at 11:48 PM, W-4 was interviewed at the scene by LASD investigators Austin and Ruggiero. W-4 was the granddaughter of W-2, daughter of W-3, and step-granddaughter of Mr. Lopez.

W-4, her mother, and her daughter were in the living room. Her grandmother was in the bedroom. W-4 heard four to five gunshots, and then more. She believed that the gunshots were close by, and possibly being fired at the house. She heard someone fall onto the porch, so she started screaming, "Mom, my grandpa!" They opened the front door but did not see anybody there.

W-4 went to the dining room where her mother, grandmother, and daughter were located. Mr. Mora was in the dining room as well. W-4's grandmother said that she tried to close the kitchen door but Mr. Mora entered. W-4 confronted Mr. Mora, asking, "Who are you? What are you doing here?" Mr. Mora said that he lived next door, that he was hurt, and to call the cops. W-4 did not see any weapons or blood. W-4 asked Mr. Mora "where [her] grandpa was at[,]" and Mr. Mora said, "he's outside." Mr. Mora did not threaten the family.

W-4 went outside and saw two LASD deputies near the alley, and told them that somebody was inside her house. She confirmed that this person was wearing all black. The deputies told her to get her family and come outside. W-4 went back inside and Mr. Mora was sitting down in the dining area. She told him that the cops were outside and he told her to "tell them that I'm not here."

At the time of the interview, W-4 did not know Mr. Lopez's whereabouts. She said that he "comes and goes," and that, "he's a drinker," and that he uses a bike to get around.

Statement of W-5

On February 18, 2022, at 4:06 AM, W-5 was interviewed at the Norwalk Park Sports Complex by LASD Detectives Mike Davis and Joseph Valencia.

W-5 lived in a building just west of 12152 Foster Road and had his windows open on February 17, 2022. W-5 heard approximately 10 to 15 gunshots. After the gunshots, he heard an individual say, "Hey, you don't belong here," followed by the sound of a gate being slammed. W-5 then heard another individual yell, followed by a second volley of three to four gunshots. W-5 was unable to understand what was said, but based on the tone of the voices, he believed that someone attempted to flee near the location. Both voices were male, but the first voice was different than the second voice. W-5 looked out his window but did not see anything.

Statement of W-6

On February 20, 2022, W-6 was interviewed at Norwalk Station by LASD investigators Austin and Rugeiro. W-6 was Mr. Lopez's daughter. She was in Arizona on February 17, 2022.

On February 17, 2022, at approximately 6:49 PM, W-6 received a phone call from Mr. Lopez. During the call, W-6 heard her Mr. Lopez say, "Hey, you can't go in there." W-6 then heard popping noises, which she assumed to be gunfire. W-6 then heard noises that sounded like someone falling, and believed that Mr. Lopez could be fighting with somebody. W-6 then heard gasping noises. The call ended shortly thereafter. In hindsight, W-6 believes that Mr. Lopez purposefully ended the call so that she did not hear him die. W-6 immediately called her Mr. Lopez back, but he did not answer.

W-6 called family members in the area and asked them to check on Mr. Lopez. W-6 was in a state of panic. She called 911 and the Norwalk Police Department multiple times to tell them that she believed that Mr. Lopez was still on the property at 12152 Foster Road and could be in danger.

Statements of Andre M. Mora

Interviews by Law Enforcement

On February 21, 2022, at 4:11 PM, Mr. Mora was interviewed at St. Francis Medical Center. DOJ Special Agent Genens and LASD Detective Rugeiro and Sergeant Austin conducted the interview. Appellant was provided advisements pursuant to *Miranda v. Arizona* (1966) 486 U.S. 436, and he agreed to provide a statement.

Mr. Mora stated that on February 17, 2022, he was living at his girlfriend's residence. That evening, he exited the building, turned left, and walked on Foster Road towards the liquor store. He was waiting for his girlfriend to get off work. He was texting someone on his phone. At the time of the interview, he was unable to recall who he was texting.

A blue Dodge driving westbound pulled up behind him. The driver was wearing a hat and had his window rolled down. The person yelled "Hey let me see your fucking hands," and shined a flashlight at him and had a gun. Mr. Mora's first thought was, "Oh shit!" and to run because he was worried that he was going to get killed. Mr. Mora believed that this person was a "cop" because of the flashlight, but Mr. Mora was confused because of the blue Dodge. Mr. Mora took off running and the deputy got out of the car and shot at him. Mr. Mora denied that he had a gun and stated that "he would have shot back" if he had a gun.

Mr. Mora ran eastbound, where there was another person standing outside a car who pulled out a gun and shot at him. Mr. Mora did not see this person but saw muzzle flashes.

Mr. Mora immediately turned right through a gate and was shot in the back and then ran into Mr. Lopez, who came outside to see what was happening. Mr. Lopez was facing him when they ran into each other. Mr. Mora stated that this occurred about four to six steps after he entered the gate, but he was unable to clarify whether this took place in the front yard or in the side yard. Mr. Mora stated that he told Mr. Lopez, "let's go," and tried to grab Mr. Lopez, but his hand slipped.

Mr. Mora ran through an open door on the side of the house, where a woman was standing and asking what was going on. Mr. Mora stated, "I don't know miss, they're trying to kill us. Get your husband." She asked who was trying to kill him, and Mr. Mora stated, "I don't know, ma'am; I think it's the cops." This woman grabbed her children and exited out the front door. Mr. Mora did not hear any additional gunshots after that. Inside the residence, his stomach was in pain. Mr. Mora sat on the toilet and then sat on the bed. Eventually, law enforcement entered and arrested him.

Mr. Mora was struck by bullets on his back, his inner right knee, his left leg, and his elbow. He believed that the shots to his legs were fired by the deputy at the stop sign, while the shot to his back was fired by the deputy who was standing as he ran eastbound.

Regarding the carjacking incident on February 14, 2022, Mr. Mora acknowledged that he knew W-1, saying that they dated for a short period of time until Mr. Mora cheated on her. Mr. Mora denied the carjacking incident but also asked if W-1 "got hit."

The following day, on February 22, 2022, at 11:05 AM, Mr. Mora was re-interviewed. He was informed that his DNA was found on a firearm recovered at the scene. Mr. Mora denied having a gun, but when

asked why he lied about having a gun, Mr. Mora stated, "I was scared." He then requested a lawyer, and questioning ceased.

Jailhouse Calls

LASD Sergeant Austin conducted a search of the Inmate Telephone Monitoring System (ITMS) and obtained several jailhouse calls made by Mr. Mora.

In a March 19, 2022 call to his brother, Mr. Mora stated the following, in summary:

Mr. Mora was waiting at his girlfriend's residence for her to return home from work. Mr. Mora became angry because she was taking so long. Mr. Mora walked down the street to the corner to see if he could see her walking home. Mr. Mora saw her down the street walking towards him. Mr. Mora heard a car pull to the stop sign behind him. Mr. Mora pulled his "shit" from his waistband but did not "cock it back." Mr. Mora then heard someone say, "Let me see your fucking hands!" He saw a gun with a flashlight attached pointed at him. Mr. Mora assumed it was a cop, so he took off running. Mr. Mora said they started shooting at him. He felt gunshots to his foot and calf. Mr. Mora continued to run and felt a gunshot strike the back of his leg. He then felt a gunshot hit his elbow. A second individual in front of him also started shooting at him. He felt a gunshot wound to his stomach. Mr. Mora turned right and entered the yard of an old man named "Pee Wee."⁹ Mr. Mora slammed into the old man and they both fell to the ground. Mr. Mora dropped his "strap"¹⁰ and could not find it. Mr. Mora attempted to pull the old man up but he was already dead. Mr. Mora ran into the house through the back door and encountered the old man's wife. Mr. Mora told the woman he could not go back outside because "they" were trying to kill him. The lady asked him who "they" were; Mr. Mora told her, "It might be the cops." Mr. Mora felt bad because he believed the family saw that their grandfather was dead. The family fled the house and Mr. Mora remained inside. A lot of police arrived very quickly. Mr. Mora walked around the house for a moment to figure out if there was a way to escape to his girlfriend's apartment next door. Mr. Mora said that a police drone entered the house, hit a door, and fell to the ground. Mr. Mora believed the drone allowed the police to listen to him, so he said that he was not armed and asked them to come in and help him.

Mr. Mora stated that he dropped his phone during the incident. Mr. Mora further stated that he had a "strap" in his hand around the time he ran into the old man. Mr. Mora stated that he turned around and tried to "bust" on "them" but somehow his "strap" was not loaded. Mr. Mora stated that he threw the firearm and then went inside the house. Mr. Mora stated that he felt that if he got inside, he would be safe because police officers do not randomly shoot into houses.

In another call, made to a woman on March 19, 2022, Mr. Mora stated the following, in summary:

Mr. Mora was at his girlfriend's residence while she was at work. Mr. Mora walked to the corner to see what was taking girlfriend so long to return from work. There were no other people on the street. A blue Dodge pulled up behind him. Mr. Mora noticed that the vehicle did not drive away, so he pulled his "shit" from his waistband and put it in his sweater pocket, but it was not cocked. Mr. Mora heard rustling and the car door open. There was then a flashlight in his face with a gun attached and a man

9 "Pee Wee" was a nickname of Mr. Lopez.

10 The word "strap" is used as slang for a gun, normally a personal firearm such as a pistol. (See Wiktionary, The Free Dictionary <https://en.wiktionary.org/wiki/strap> [as of August 14, 2024].)

said, “Let me see your fucking hands.” Mr. Mora thought, “Fuck that[,]” and took off running. Mr. Mora assumed the man was a cop because he was wearing jeans and a black jacket and because they shot at his legs, rather than at his upper torso. Mr. Mora was struck on the back of his leg, his buttocks, his calf, and his foot. As Mr. Mora ran past his girlfriend’s house, another person was standing between parked cars and shot him twice in the stomach. Mr. Mora wondered whether this person might have been one of his “enemies” from a local street gang. Mr. Mora made a hard right into the neighbor’s yard. The neighbor was coming out, and Mr. Mora slammed into the neighbor, and they both fell. Mr. Mora turned around and pulled his “shit out to bust back real quick” but his “shit” was not cocked. Mr. Mora tried to pull “Pee Wee” behind him but he was dead weight. Mr. Mora realized that Pee Wee was dead. They kept shooting at him, so Mr. Mora took off running inside the house because the side door was open. Mr. Mora told a woman inside that somebody was trying to kill him. She asked who, and he told her that he did not know, but he believed it was “the cops.”

Mr. Mora said that he told detectives a “little bit.” Mr. Mora stated that he knew that law enforcement officers “roll around” in Dodge cars. Mr. Mora stated that he believed it was a police officer because of the type of car, the fact that he had a flashlight attached to his gun, and based on what the individual was wearing.

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation that would support a conviction of first degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *Hernandez, supra*, 183 Cal.App.4th at p. 1332.) Malice is express when there is an “intent to kill.” (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.5th 544, 571.) Malice is implied “when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life.” (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes a person from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would

otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moya* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary's attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense and Defense of Others

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and such killings are not criminal. (*People v. Elmore* (2014) 59 Cal.4th 121, 133-134; *People v. Sotelo-Urena* (2016) 4 Cal.App.5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 et seq. set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code, § 197 [listing circumstances where homicide committed by “any person” is justifiable, which includes self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer “reasonably believes, based on the totality of the circumstances, that such force is necessary . . . [t]o defend against an imminent threat of death or serious bodily injury to the officer or to another person.” (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force “only when necessary in defense of human life”]; see *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

The relevant criminal jury instruction, as written by the Judicial Council of California, is set forth in CALCRIM No. 507 (“Justifiable Homicide: By Peace Officer”). The instruction provides, in pertinent part, that a homicide committed by a peace officer is justified if he or she reasonably believed, based on the totality of the circumstances, that the force was necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person.¹¹

To determine 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.” (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 [“only that force which is necessary to repel an

¹¹ See also, CALCRIM 505 (“Justifiable Homicide: Self-Defense or Defense of Another”). The instruction states that a person acts in lawful self-defense or defense of another of: (1) he or she reasonably believed that she or someone else was in imminent danger of being killed or suffering great bodily injury; and (2) he or she reasonably believe that the immediate use of deadly force was necessary to defend against that danger. In lawful self-defense or defense of another, a person may use no more force than is reasonably necessary to defend against the danger.

attack may be used in self-defense; force which exceeds the necessity is not justified” and “deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury”].)

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 to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is “immediate and present” and “must be instantly dealt with”; it is not prospective or even in the near future].)

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer’s use of force is evaluated, it must be considered “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 [“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[.]”]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082- 1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal.App.5th 1, 9-10 [knowledge of another person’s prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believes in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Transferred Intent

Under the doctrine of transferred intent, a shooter that fatally kills a bystander may be liable for criminal homicide of the bystander. The doctrine is a “classical formulation” created within California’s common law: an individual who shoots with the intent to kill a certain person, misses, and hits a bystander instead, is subject to the “same criminal liability that would have been imposed had the fatal blow reached the person for whom intended.” (*People v. Bland* (2002) 28 Cal.4th 313, 321, citation and internal quotation marks omitted; see *People v. Scott* (1996) 14 Cal.4th 544, 551 [the doctrine does not denote an actual transfer of intent based on its literal meaning, but rather a policy that an individual who shoots at an intended target and hits a bystander should be subject to the same criminal liability had the individual hit the intended mark].) The shooter’s criminal intent toward the intended target transfers to the unintended bystander, and as such, “the [shooter] is deemed as culpable as if [the shooter] had accomplished what he [or she] set out to do.” (*Id.* at p. 546; *Bland, supra*, 28 Cal.4th at pp. 323-324.)

The doctrine of transferred intent, however, applies equally to self-defense and defense of others. Where an individual uses deadly force in lawful self-defense or defense of others, the individual's lack of criminal intent for homicide regarding the intended target transfers to the killing of the bystander. In such an event, where the individual intends to "injure or kill the person who poses the threat, but inadvertently kills an innocent bystander," the individual's intent to act in self-defense or defense of other may insulate him or her from criminal responsibility. (*People v. Curtis* (1994) 30 Cal.App.4th 1337, 1357; *People v. Mathews* (1979) 91 Cal.App.3d 1018, 1024 ["[W]e conclude that the doctrine of self-defense is available to insulate one from criminal responsibility where his act, justifiably in self-defense, inadvertently results in the injury of an innocent bystander".]) "[O]ne's criminal intent follows the corresponding criminal act to its unintended consequences. . . . Th[is] reasoning applies equally to carry the lack of criminal intent to the unintended consequences and thus preclude criminal responsibility." (*Id.* at p. 1023.)

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant's guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 ["A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt" quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. It is not a criminal defendant's burden to prove that the force was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need to use force in self-defense or in the defense of others.

LEGAL ANALYSIS

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Lopez. This analysis is based on all the evidence provided to DOJ on this matter, including witness interviews, law enforcement reports, analyses of firearms and ballistics, DNA testing, physical evidence, the autopsy and medical reports, surveillance videos, and photographs.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Detective Rothrock, Detective Chalmers, and Detective Lampignano did not act in lawful defense of himself or others, this is the primary issue in determining whether criminal charges should be filed. A

detailed analysis of the evidence pertaining to the OIS shows that Detectives Rothrock, Chalmers, and Lampignano actually and reasonably believed that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to the officers or others. Furthermore, the doctrine of transferred intent precludes any criminal liability against Detective Lampignano. Therefore, the evidence is insufficient to support criminal charges.

Detective Ryan Rothrock

Detective Rothrock fired 10 rounds during OIS #1. As discussed below, his conduct is justified under the principles of self-defense.

Self-Defense

(1) Subjective Element of Self-Defense

In his voluntary interview, Detective Rothrock described discharging his firearm during OIS #1, and his subjective beliefs that led to that action:

Detective Rothrock described that he stopped his vehicle at the westbound stop sign of Foster Road at Funston Avenue, saw Mr. Mora on the corner, and received directions from Detective Chalmers to “roll in.” Detective Rothrock exited his vehicle, pulled out his firearm in a low-ready position, and yelled, “Sheriff’s Department. Let me see your hands.” Mr. Mora began to walk away and reached towards his waistband. Detective Rothrock again stated, “Let me see your hands. Sheriff’s Department.” Mr. Mora “back peddled” away to the other side of the Toyota Camry parked next to the sidewalk. Detective again yelled, “Let me see your hands.” Mr. Mora then pulled a semiautomatic handgun from his waist and pointed it at Detective Rothrock.

Detective Rothrock explained:

Um, immediately, I mean, at that point in time, I figured, I’ve already given several commands. I’ve already identified myself. Um, he’s failed to listen to any of those commands. He pulls out a gun and he’s pointing in my direction. But obviously the—my (unintelligible)—at that point in time he’s trying to take my life. [¶] Um, I immediately pointed my gun back at him and uh, shot approximately eight to ten rounds.

Thus, Detective Rothrock subjectively believed in the need to use deadly force in self-defense.

Moreover, the circumstantial evidence shows that Detective Rothrock’s subjective belief was honestly held. Video surveillance shows Detective Rothrock taking cover behind the Toyota Camry, showing that he genuinely believed his life was in danger. Additionally, after Mr. Mora fled, Detective Rodriguez approached Detective Rothrock, who appeared to be in shock and stated, “He shot at me[,]” showing that Detective Rothrock genuinely believed that his life had been in danger from the actions of Mr. Mora.

(2) Objective Element of Self-Defense

Detective Rothrock’s subjective belief in the need to protect himself during OIS # 1 was objectively reasonable for several reasons.

First, Detective Rothrock learned during the briefing at Norwalk Station that just three days earlier Mr. Mora committed an attempted carjacking in which he fired a gun at W-1. This information, showing

that Mr. Mora not only carried a firearm but was willing to use it, shows that Detective Rothrock's subjective belief that Mr. Mora was "trying to take [his] life" was objectively reasonable.

Moreover, the facts from OIS #1 show that Detective Rothrock's subjective belief in the need to use deadly force was objectively reasonable. Mr. Mora did not comply with Detective Rothrock's commands, but rather reached towards his waistband and pulled out a handgun, and pointed the firearm at him. Moreover, Mr. Mora's own statements describing how he grabbed his firearm from his waistband upon hearing a vehicle (Detective Rothrock's) pull up behind him corroborates Detective Rothrock's recollection of the incident and shows that Mr. Mora was armed.

Detective Rothrock mistakenly reported that Mr. Mora fired at him. Given that Detective Rothrock had fired and taken cover *before* he believed Mr. Mora fired at him, his mistaken belief had no bearing on the reasonableness of his actions at the time he fired. In sum, the fact that Mr. Mora did not, or was unable to, fire his weapon has no bearing on the reasonableness of Detective Rothrock's belief in the necessity of using deadly force to protect himself. Moreover, Detective Rothrock's mistaken belief was not unreasonable given that he saw Mr. Mora pointing the firearm at him and then heard gunfire (albeit from Detective Chalmers).

Hence, Detective Rothrock's conduct during OIS #1 is justified under principles of self-defense, and therefore no criminal liability is warranted.

Detective Bryce Chalmers

Detective Chalmers fired nine rounds during OIS #2. As will be discussed below, his conduct is justified under the principles of self-defense and defense of others.

Self-Defense

(1) Subjective Element of Self-Defense or Defense of Others

In his voluntary interview, Detective Chalmers described three distinct discharges of his firearm during OIS #2, and his subjective beliefs during that time:

Detective Chalmers described how he drove towards the corner of Foster Road and Funston Avenue where Detective Rothrock was attempting to apprehend Mr. Mora. Detective Chalmers saw Mr. Mora reach into his waistband, pull out a firearm, raise the firearm towards Detective Rothrock, and fire. Detective Chalmers stopped his vehicle in the driveway apron of an apartment complex on the south side of Foster Road.

Discharge no. 1: Detective Chalmers heard gunshots and saw Mr. Mora running westbound, pointing the handgun towards the west, in the direction of his partners. Detective Chalmers explained:

As I was hearing the gunshots and I'm seeing him point the gun to the west, towards my partners. [¶] Um, as that happened, I exited my vehicle. I believed that he was firing shots at my partners, and so at that point, I made the decision to engage him with gunfire.

Discharge no. 2: Detective Chalmers described that, after he fired at Mr. Mora, Mr. Mora turned his body towards Detective Chalmers, and Detective Chalmers saw the muzzle of Mr. Mora's handgun pointed directly toward him. Detective Chalmers fired more rounds.

Discharge no. 3: Mr. Mora continued running eastbound and when he approached a white van, Mr. Mora looked back at Detective Chalmers and raised the firearm in his direction.

Detective Chalmers stated:

[A]t that point, I was in fear that he was gonna start firing again, because he'd already fired at my partners. [¶] Um, that's my mindset. He points—he points the pistol up in my direction and I fire, uh, multiple more rounds on him.

Thus, Detective Chalmers subjectively believed in the need to use deadly force to protect Detectives Rothrock and Lampignano during his initial discharge, and he subjectively believed in the need to defend himself during his second and third discharges.

The evidence also shows that Detective Chalmers' subjective belief was honestly-held. The video surveillance shows that, after OIS #2, Detective Chalmers and Detective Lampignano pursued Mr. Mora eastbound but ran in the middle of Foster Road in order to have a barrier of vehicles to protect them, indicating a genuine belief that Mr. Mora posed a serious danger.

(2) Objective Element of Self-Defense or Defense of Others

Detective Chalmers' subjective belief in the need to use deadly force to protect himself or others was objectively reasonable for several reasons.

First, as Detective Rothrock described above, the information regarding Mr. Mora's conduct on February 14, 2022, and in particular, the fact that he carried and fired a handgun during that crime, supports a finding that Detective Chalmers' later belief in the need to use force was reasonable.

Secondly, Detective Chalmers personally saw Mr. Mora point a handgun at Detective Rothrock during OIS #1, and then saw Mr. Mora running westbound while pointing a handgun back at Detective Rothrock and Detective Lampignano. The fact that Mr. Mora's firearm magazine fell to the ground during this time does not render Detective Chalmers' conduct any less reasonable. Detective Chalmers did not describe seeing the magazine or rounds fall from Mr. Mora's firearm. Based on a surveillance video from an apartment complex located across Foster Road, Mr. Mora ran quickly past Detective Chalmers' truck approximately three seconds after Detective Chalmers stopped the truck in the driveway. Thus, it is understandable that Detective Chalmers may not have seen the items fall, as Detective Chalmers was exiting his vehicle and attempting to keep his eyes on a rapidly-approaching Mr. Mora at that time. Additionally, it may have been difficult to see the dark-colored items fall during nighttime lighting conditions.

Additionally, the fact that Mr. Mora did not actually fire his weapon does not render Detective Chalmers' belief unreasonable. Detective Chalmers mistakenly believed that Mr. Mora was firing shots at his partners, but the belief was reasonable given that he had heard gunfire (albeit from Detective Rothrock) and saw Mr. Mora pointing a firearm at Detective Rothrock.

Moreover, after Detective Chalmers fired at Mr. Mora, Mr. Mora turned towards Detective Chalmers and pointed his weapon at Detective Chalmers twice. Under those circumstances—where Mr. Mora had been pointing a firearm at other LASD deputies, and where Mr. Mora then pointed a firearm directly at Detective Chalmers—it was objectively reasonable for Detective Chalmers to believe that he needed to use deadly force to protect himself.

Accordingly, Detective Chalmers' conduct is justified under the principles of self-defense and defense of others.

Detective Giovanni Lampignano

Detective Lampignano fired 14 rounds during OIS #3. As will be discussed below, Detective Lampignano's conduct is justified under the principles of self-defense.

Self-Defense

(1) Subjective Element of Self-Defense

In his voluntary interview, Detective Lampignano described three distinct discharges of his firearm during OIS # 3, and his subjective beliefs that led to those discharges:

Discharge no. 1: Detective Lampignano described that Mr. Mora, who was on the porch of 12152 Foster Road, pointed a pistol directly at him and ran sideways and westbound towards the side yard. Detective Lampignano described his subjective belief as the following:

My firearm's up. I see, uh, that it's a house behind him. I see the lights were on inside, um, and it was tough because I—I thought I was gonna get shot. But I didn't wanna shoot—I thought I was gonna take one. I—I said, you know, I'm just gonna probably take one, hopefully it misses but I can't shoot right now because it looks like people are home. . . . Something made me stop for, uh, a brief second, and it only took a split second for him to clear that front entry and get to the dark—it was, uh, a dark, I thought it was an alley. Um, it—it's a side yard of that same house. As he got to that side yard, I don't know if he—don't remember if he jumped backwards over a fence or over junk there, but pistol was out, pointing at me. I see the—I see the barrel. I'm hyper focused. I'm trying to shake off, you know, me just starting at the gun. I have my light on him. He's, he's fully illuminated, and this is within a split second. He's cleared the house, I see, uh, just a long alley jump behind him, and there's a red or brown wood backing behind, all the way down, just barely illuminated in the background. And that's when I initially, uh, engage the suspect. I shot three to five rounds while he's—he's facing me, pointing the gun at me.

Discharge no. 2: Detective Lampignano stated that Mr. Mora fell. Detective Lampignano described his subjective belief as the following:

[Mr. Mora] gets up and it looks like he's coming at me. He's up with—with—with gun, full face. Face looks big, gun looks huge, and it looks like now he's aggressing me. I'm thinking, holy shit, like, I don't—this guy's gonna kill me. He's coming back to kill me. And at that point, that's when I, uh, I shoot an additional three to five rounds.

Discharge no. 3: Detective Lampignano described that Mr. Mora made his way down the side yard with an unusual gait. Detective Lampignano described the following:

As he makes it somewhere away from that front fence, he turns again towards the backend, middle to backend of that—that side yard, and again, full face, half his body like this, like he's—like he's gonna, you know, shoot another round at me. Um, I shoot one more time, from what I remember, and he—he disappears.

Thus, Detective Lampignano subjectively believed that he needed to use deadly force in order to protect himself from an apparent, imminent threat of death or great bodily injury. Moreover, several pieces of evidence, apart from Detective's Lampignano's own statements, show that his subjective belief in the need to use deadly force was honestly held:

First, Detective Lampignano described how, after OIS #2, he ran to Detective Chalmers to see if he was injured. Detective Chalmers also stated that Detective Lampignano approached him and asked, "Are you okay?" This interaction—Detective Lampignano checking to see if a fellow deputy had been shot—demonstrates that Detective Lampignano honestly believed that Mr. Mora fired at Detective Chalmers and therefore posed an imminent threat of death or great bodily injury.

Secondly, surveillance video depicts Detective Lampignano and Detective Chalmers running in the middle of the street—rather than down the sidewalk—as they followed Mr. Mora as he ran eastbound towards 12152 Foster Road. And during OIS #3, Detective Lampignano stood behind a vehicle. This behavior—creating a barrier of vehicles to protect himself rather than running immediately into the front yard of 12152 Foster Road to chase Mr. Mora—provides strong circumstantial evidence that Detective Lampignano honestly believed that Mr. Mora posed an imminent threat of death or great bodily injury.

Third, Detective Chalmers stated in his voluntary interview that, during OIS # 3, Detective Lampignano stated, "He's got a gun, he's pointing it at me, he's pointing it at me, get down." This statement, taking place very close in time—likely within seconds—of when Detective Lampignano discharged his firearm, demonstrates that Detective Lampignano honestly believed in the need to defend himself and/or others from the risk posed by Mr. Mora.

Accordingly, the evidence shows that Detective Lampignano subjectively and honestly believed that he needed to protect himself from an apparent, imminent threat of death or great bodily injury posed by Mr. Mora.

(2) Objective Element of Self-Defense

Several factors support a finding that Detective Lampignano's subjective belief in the need to protect himself during OIS #3 was objectively reasonable.

First, the information Detective Lampignano knew about Mr. Mora before the OIS incidents contributes to a finding that his later belief in the need to use deadly force was objectively reasonable. Specifically, Detective Lampignano attended the briefing at Norwalk Station regarding the attempted carjacking and shooting Mr. Mora committed three days earlier. As discussed previously, of particular relevance was the information that Mr. Mora drew a handgun from his waistband and fired a gun towards W-1. W-1's statements regarding the incident were corroborated by the bullet hole to the interior of the front passenger door and a single nine-millimeter shell casing found on the ground of the gas station. This information showed that Mr. Mora carried a firearm and was willing to use it.

Second, Detective Lampignano's observations of OIS #1 and OIS #2 show that his belief in the need to use deadly force during OIS #3 was objectively reasonable. Detective Lampignano saw Mr. Mora pull a pistol from his waistband and point it at Detective Rothrock during OIS #1. He then saw Mr. Mora run eastbound, turn and point the pistol in his and Detective Rothrock's direction, and then manipulate the firearm while focused back in their direction. Detective Lampignano then saw OIS #2 occur after Mr.

Mora continued running. Thus, his subjective belief that Mr. Mora posed a serious danger was objectively reasonable.

Third, Mr. Mora pointed a pistol at Detective Lampignano during OIS #3, and therefore Detective Lampignano's belief in the need to use deadly force was objectively reasonable. Detective Lampignano followed Mr. Mora to 12152 Foster Road, where he saw Mr. Mora on the front porch area pointing a pistol at him. When Mr. Mora cleared the house and Detective Lampignano shined his light to observe a side yard behind Mr. Mora and saw Mr. Mora pointing his weapon at him, Detective Lampignano fired at Mr. Mora. After Detective Lampignano fired his initial rounds and he saw Mr. Mora fall, he saw Mr. Mora get up and appear like he was "coming back to kill [him]," noting that Mr. Mora's "gun look[ed] huge[.]" Detective Lampignano then fired additional rounds. Then, as Mr. Mora walked down the side yard with an unusual gait, Detective Lampignano saw Mr. Mora again turn towards him, and Detective Lampignano shot one additional round.

The evidence shows that Detective Lampignano fired the shot that struck Mr. Lopez. Ballistics analysis narrowed the bullet that struck Mr. Lopez to either Detective Chalmers' or Detective Lampignano's duty firearms, as the other weapons at the scene were excluded. However, Detective Chalmers could not have fired the fatal shot because his gunfire ceased before Mr. Mora entered the front yard of 12152 Foster Road. Also, Mr. Lopez was alive when Mr. Mora entered the front yard of the property, given the statement by W-6, who was on a call with Mr. Lopez and heard him say "Hey, you can't go in there[.]" and a statement from W-5 (a neighbor), who described how he heard an individual (Mr. Lopez) say "Hey, you don't belong here." Additionally, Mr. Mora described how he slammed into Mr. Lopez upon entering the yard. Therefore, because only Detective Lampignano discharged his weapon after Mr. Mora entered the property, he must have been the source of the fatal shot.

Mr. Lopez was most likely struck by a bullet during Detective Lampignano's first volley of shots. Detective Lampignano and Mr. Mora both described that Mr. Mora fell once in the side yard: Detective Lampignano described that Mr. Mora fell after his first volley of shots, while Mr. Mora described that he fell after he slammed into Mr. Lopez and they both fell. While the cause of Mr. Mora's (and Mr. Lopez's) fall differs between these accounts, Mr. Mora clearly described how Mr. Lopez was dead after they both fell to the ground.

Based upon Detective Lampignano's description that Mr. Mora was located towards the middle or back end of the side yard when the final discharge occurred and the area where the Polymer 80 firearm was recovered, it appears that Mr. Mora threw his gun after Detective Lampignano's second volley of shots. This is also consistent with Mr. Mora's statements in the jailhouse call. However, audio from the Ring camera indicates that Detective Lampignano's final discharge took place merely one second after his second volley of bullets, so Mr. Mora may have possessed the firearm during Detective Lampignano's final discharge and threw it during or shortly thereafter.

In any event, there is no indication that Detective Lampignano saw Mr. Mora throw the firearm or otherwise abandon the weapon. The lighting in the side yard was described as "pitch black" by witnesses, and the side yard was filled with miscellaneous objects, hanging clothes, and foliage. Additionally, Detective Lampignano turned his firearm light off at various moments so that Mr. Mora would not see his firearm light and shoot in his direction. Thus, the fact that Mr. Mora threw the

firearm during or immediately after OIS #3 does not affect the reasonableness of Detective Lampignano's actions.¹²

Fourth, the physical evidence and Mr. Mora's own statements corroborate Detective Lampignano's recollection that Mr. Mora possessed a firearm and pointed it at Detective Lampignano during OIS #3. A firearm magazine and two live rounds were recovered at the edge of the south sidewalk of Foster Road and the driveway apron, between locations of OIS # 1 and OIS # 2, consistent with Detective Lampignano's recollection that Mr. Mora manipulated a firearm in that area. Notably, the fact that Detective Lampignano did not describe seeing these items fall is understandable because, based on surveillance video, Mr. Mora appeared to be running in the opposite direction of Detective Lampignano when he crossed the edge of the driveway apron, and therefore Detective Lampignano's view would have been obstructed by Mr. Mora's body. Additionally, the Polymer 80 was found in the front yard of 12152 Foster Road, showing that Mr. Mora had the weapon while inside the front gate of the property. Mr. Mora's DNA was detected on the weapon, including on both sides of the handle and on the trigger. Ballistics testing also showed that the bullet casing recovered at the 76 gas station from the February 14, 2022 carjacking incident was fired by this same handgun.

Critically, Mr. Mora's own statements show that he not only had a firearm but pointed it at Detective Lampignano. When first interviewed, Mr. Mora denied having a firearm. But the following day, he was informed that his DNA was found on the firearm at the scene. When asked why he lied about having a gun, Mr. Mora stated, "I was scared," implicitly admitting that he did have a firearm.

In one jailhouse call, Mr. Mora described how, *after* he ran into the "old man" (Mr. Lopez), he turned around and tried to "bust" on the deputies but somehow his handgun—which he referred to as his "shit" or "strap"—was not loaded, and he threw the handgun. In another jailhouse call, Mr. Mora described how he turned right into a neighbor's yard, he slammed into Mr. Lopez and they both fell, and he pulled his "shit out to bust back" but his "shit" was not cocked. These statements corroborate Detective Lampignano's statement that Mr. Mora got up and turned towards him with the firearm after he fell down. The statements also show that Mr. Mora *intended* to shoot Detective Lampignano but was unable to do so because of a mechanical issue with the Polymer 80 firearm. Therefore, Mr. Mora's statements corroborate Detective Lampignano's statements that Mr. Mora had confronted him with a firearm, making his belief in the need to use self-defense objectively reasonable.

In sum, the evidence shows that Detective Lampignano subjectively and honestly believed in the necessity to defend himself from an apparent, imminent danger of death or great bodily injury, and such belief was objectively reasonable based on the totality of the circumstances. Thus, he acted in lawful self-defense.

Transferred Intent: Death of Pedro Morales Lopez

As discussed, the doctrine of transferred intent—or here, what some courts would refer to as "transferred self-defense"—is available to insulate one from criminal responsibility where his or her act, justifiably in self-defense, inadvertently results in the injury or death of an innocent bystander.

¹² Detective Chalmers was near Detective Lampignano during OIS #3, and he made no statements indicating that he saw the gun thrown. However, he was ducking down during OIS #3 because Detective Lampignano told him to "get down, he's got a gun."

(*People v. Vallejo* (2013) 214 Cal.App.4th 1033, 1038-1039; *Curtis, supra*, 30 Cal.App.4th 1337; *Mathews, supra*, 91 Cal.App.3d at p. 1024.)

During OIS #3, Mr. Mora ran into the narrow side yard while pointing a firearm at Detective Lampignano. It appears that at the time Mr. Mora ran into the side yard, Mr. Lopez was in the side yard on a telephone conversation with his daughter. W-5 heard Mr. Lopez say, “Hey, you can’t go in there[,]”; W-4 heard an individual—likely Mr. Lopez—say “Hey, you don’t belong here.” Thus, it appears that Mr. Lopez confronted Mr. Mora when Mr. Mora entered the side yard.

The evidence strongly suggests that Detective Lampignano had no ability to see Mr. Lopez or suspect that he was there. This side yard was filled with various objects including a bike, a car tire, various power tools, garbage bags, a toilet, and several pieces of clothing hanging by clotheslines, along with foliage. Detective Lampignano described that the backdrop behind Mr. Mora appeared to be a “junk alley” or nook and he did not believe that it went all the way to the back. While the precise lighting conditions at the time of OIS #3 cannot be ascertained, visibility into the side yard was likely extremely limited in light of the time of day (7:00 PM in February) and the disorganized and crowded nature of the area. In addition, Detective Lampignano demonstrated awareness for civilians who might be in the background when he said in his statement that he refrained from firing at Mr. Mora when he was in front of the house because he was concerned that people in the house might be injured.

When Detective Lampignano fired at Mr. Mora, who pointed a handgun at him at least twice while on that side of the house, one of the 14 rounds fired by Detective Lampignano struck Mr. Lopez in the back of the head. Mr. Lopez was likely located behind, or deeper in the side yard than Mr. Mora when Detective Lampignano fired and hit Mr. Lopez.

Based on these circumstances, the death of Mr. Lopez occurred inadvertently when Detective Lampignano shot at Mr. Mora while exercising his right to self-defense. Accordingly, the doctrine of transferred intent precludes criminal liability for Detective Lampignano based on the death of Mr. Lopez.

CONCLUSION

Based on the investigation and review of evidence, along with the applicable statutes, legal principles, and subsequent analysis, there is insufficient evidence to support a criminal prosecution of Detectives Rothrock, Chalmers, or Lampignano. As such, no further action will be taken in this case.



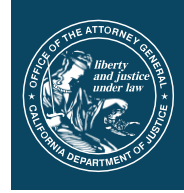
C A L I F O R N I A

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Los Angeles Sheriff's Department Related to the Officer-Involved Shooting of Pedro Morales Lopez on February 17, 2022

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

February 2025



POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include “[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable” as a component of this report. (Gov. Code, § 12525.3 subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section (PPS) conducts a review of the information obtained through the criminal investigation, which may include a review of policies concerning body-worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly available policies of the agency employing the officers who are subject to the criminal investigation. PPS uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers’ conduct or the agency’s response. PPS’s goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.

As background, on February 17, 2022, at approximately 7:03 p.m., bystander Pedro Morales Lopez was fatally shot in the side yard of his residence by the Los Angeles Sheriff’s Department (LASD) Operation Safe Streets Gangs Surveillance Unit (GSU) during a surveillance and arrest operation of Andre Mora, a carjacking and assault with a firearm subject. LASD detectives were dressed in plain clothes¹ and driving unmarked vehicles, with the exception of two uniformed deputies driving marked vehicles who were staged nearby. During the arrest operation in a residential neighborhood, Mr. Mora was armed and pointed his firearm at Detective Rothrock, who discharged his firearm in response. As Mr. Mora escaped on foot eastbound on the sidewalk, Detective Chalmers discharged his firearm at Mr. Mora. Mr. Mora continued eastbound and ran into the front porch area of Mr. Lopez’s residence. From the front porch, Mr. Mora pointed his firearm at a third LASD detective. Mr. Mora continued into the dark, crowded side yard of the residence, and Detective Lampignano discharged initial rounds at Mr. Mora. Mr. Mora then fell over or went through a fence and got up and was coming at Detective Lampignano. Detective Lampignano discharged additional rounds. As Mr. Mora made it towards the middle to back end of the side yard, Detective Lampignano fired one more time. Mr. Mora then entered the residence and barricaded himself inside. Residents exited the house. LASD Special Enforcement Bureau deputies responded, and deputies began surrounding and calling out, in an attempt to effectuate the arrest of Mr. Mora. Although the residents initially stated nobody else was in the residence, hours later a concern arose that Mr. Lopez may still be in the residence. Consequently, at approximately 1:00 a.m., LASD Special Enforcement Bureau made entry into the house and took Mr. Mora into custody at

¹ Two of the three shooting detectives were wearing green LASD tactical vest carriers, which had the letters “Sheriff” on the front and back.

approximately 1:16 a.m. Mr. Lopez was discovered lying in the side yard with a gunshot wound to the back of his head, and was pronounced dead at 1:32 a.m.

Preceding this critical incident, on January 21, 2021, the California Attorney General’s Office launched an investigation into allegations that LASD has engaged in a pattern or practice of unconstitutional policing pursuant to Government Code section 11180. The investigation is ongoing.

PPS evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), PPS advises LASD to review and implement one recommendation:

RECOMMENDATION ONE: BODY WORN CAMERAS EQUIPMENT AND POLICY

This incident involved plain clothes detectives assigned to the Operation Safe Streets Gangs Surveillance Unit who were not equipped with body worn cameras (BWC) and were driving unmarked vehicles. However, two of the three shooting detectives were wearing green LASD tactical vest carriers, which had the letters “Sheriff” on the front and back. The operation also included two uniformed deputies equipped with BWC, but neither deputy witnessed the shootings. Consequently, video footage of the shootings is limited to poor quality footage captured by surveillance cameras of local businesses and residences.

Detective Rothrock stated he identified himself as “Sheriff’s Department” prior to the first officer involved shooting on the sidewalk in a residential neighborhood. Mr. Mora stated that all he heard from Detective Rothrock was “Hey! Let me see your fucking hands” or “Hey! Let me see your hands mother fucker.” Detective Chalmers stated he did not identify himself prior to the second officer involved shooting. Detective Lampignano stated he identified himself as “Sheriff’s Department” prior to the third officer involved shooting. All three officer involved shootings occurred within a span of approximately two minutes. Body worn camera footage of this incident would assist deputies in their own investigation.

LASD policy 3-06/200.00 on Body Worn Cameras contemplates the use of BWC by *uniformed personnel only*, since it states in pertinent part that “[t]he Department has adopted the use of BWCs by uniformed personnel . . .”

BWC footage allows for a more thorough investigation. BWCs benefit both the deputies and members of the public by providing footage of officer-public interactions, including incidents like this one that led to deadly force. BWC footage assists the public, and deputies in determining administrative violations, civil liability, deficiencies in training, tactics, and equipment, and positive interactions that merit commendation.

Forty out of 58 county sheriff’s departments in California provide policies for the use of BWCs by plain clothes or non-uniformed deputies. PPS recommends that LASD issue BWCs to all LASD deputies, including plain clothes deputies. PPS also recommends that LASD develop policies on the circumstances in which deputies, who are in plain clothes or otherwise not in uniform, can and must activate BWCs.