



PUBLIC RELEASE MEMORANDUM

Date: January 14, 2025

Subject: Fatal Officer-Involved Incident

Involved Officers: Deputy Alberto Cuevas
Deputy John Meyers
San Bernardino County Sheriff's Department

Involved Subject/DOB: Marlon Bonds
11/23/1987

Subject's Residence: Santa Monica, California

Incident Date: 09/24/2022

Incident Time: 7:35 p.m.

Case Agent/Agency: Detective Malcolm Page
San Bernardino County Sheriff's Department

Agency Report #: DR# 112211359
H# 2022-121

DA STAR #: 2023-00-0050654

PREAMBLE

This was a fatal officer involved shooting by Deputies Alberto Cuevas and John Meyers from the San Bernardino County Sheriff's Department. The shooting was investigated by the San Bernardino County Sheriff's Department Specialized Investigations – Homicide. This factual summary is based on a thorough review of all the investigative reports, photographs, video recording, and audio recordings submitted by the San Bernardino County Sheriff's Department, DR # 112211359.

STATEMENT OF FACTS

On Saturday, September 24, 2022, at approximately 1930 hours Deputies Alberto Cuevas and John Meyers investigated a shoplifting report and stopped a related vehicle. Deputy Meyers called for back up and Deputy Cuevas responded to the scene to assist Deputy Meyers. The deputies detained the two shoplifting suspects in the rear of Deputy Meyers' patrol vehicle while both deputies searched the suspected thieves' vehicle, a white Toyota Matrix, near 11837 Foothill Boulevard.

Deputy Meyers searched the suspected thieves' car on the driver's side when an unrelated vehicle driven by the decedent Marlon Bonds drove into the area. Bonds accelerated and intentionally drove his blue Hyundai Elantra into Deputy Meyers and pinned him between the suspect vehicle and the car he was searching.

Bonds quickly exited his vehicle and approached the deputies. Deputy Cuevas was on the passenger side of the suspected thieves' car and Deputy Meyers worked to free himself from being pinned and made his way around the suspected thieves' car to the rear, for cover. Bonds was armed with a knife that he held in his right hand. Bonds held the knife with the blade facing down and his hand in the upper portion of his chest, "as if he were prepared to strike in a downward motion," according to Deputy Meyers.

Both deputies give numerous commands to Bonds to drop the knife, but he continued to advance towards both deputies. Both deputies opened fire with their duty weapons when Bonds refused to comply and continued towards them. Initially it did not appear the bullet strikes were effective, but Bonds then went to the ground. He continued to grip the knife in his right hand.

Both deputies radioed dispatch to report that shots were fired, and that Deputy Meyers was hurt. Bonds rolled over onto his back and still held the knife. Both deputies again gave commands to Bonds to drop the knife. Bonds' arm fell to the side and the knife fell to a few inches from his right hand. Deputy Meyers provided cover as Deputy Cuevas approached and kicked the knife further away from Bonds' hand.

Bonds was transported to San Antonio Community Hospital where he was later pronounced dead. Deputy Meyers was transported to San Antonio Community Hospital for injuries to his leg and hip.

STATEMENTS BY POLICE OFFICERS¹

On October 4, 2022, **Deputy John Meyers** was interviewed by Detective Jonathan Ramstad and Detective Justin Carty of the San Bernardino County Sheriff's Department.

Deputy Meyers was employed by the San Bernardino County Sheriff's Department as a deputy sheriff. On September 24, 2022, Deputy Meyers was on duty, assigned to patrol out of the Rancho Cucamonga Police Station. Deputy Meyers drove a marked Sheriff's Department patrol vehicle and his call sign was 11P70. Deputy Meyers wore a readily identifiable Sheriff's Department approved Class A uniform. Deputy Meyers firearm was a personally owned HK VP9 9mm handgun which holds a total of 21 bullets when one bullet is chambered.

On September 24, 2022, Deputy Meyers was assigned to patrol at Victoria Gardens as a Retail Theft Deputy. He was assigned to work the AM2 shift for the hours of 10am to 8pm. Deputy Meyers responded to a call from Witness # 4, a Home Depot employee, who told Deputy Meyers about an alleged theft that had just occurred. Deputy Meyers responded to the Home Depot to contact Mr. Witness # 4. During that contact, Mr. Witness # 4 told Deputy Meyers that he witnessed a theft, and that the suspect vehicle had just left the parking lot in a white car. Deputy Meyers had passed that car upon entering the Home Depot parking lot, and left Mr. Witness # 4 to pursue the suspected theft vehicle.

Deputy Meyers exited the Home Depot parking lot towards Foothill and spotted the theft vehicle at the stoplight of Masi Drive. Deputy Meyers maintained telephone contact with Mr. Witness # 4 and further identified the suspects based on Mr. Witness # 4's continued description. As the theft car made a left turn onto Foothill Boulevard, Deputy Meyers initiated a traffic stop. The theft vehicle yielded into the first driveway available, on the south side of Foothill Boulevard, just west of Rochester, into a retail center, between Popeye's and the Gen restaurant. Deputy Meyers maintained visual on the theft vehicle and Mr. Witness # 4 remained on the phone.

Deputy Meyers contacted the two occupants of the theft vehicle and described them as Hispanic males, "both sweating profusely and extremely nervous." Deputy Meyers began an investigation into the alleged theft that included identifying the occupants and then called for a secondary unit. Deputy Cuevas responded as backup to Deputy Meyers' location and parked directly behind (to the north) of Deputy Meyers' patrol vehicle. Deputy Cuevas approached the theft vehicle on the passenger side. Deputy Cuevas and Deputy Meyers had the driver and passenger exit the vehicle, conducted pat downs, and place both subjects in the back seat of Deputy Meyers' patrol vehicle.

Throughout this contact Deputy Meyers had his belt recoding activated and was still on the phone with Mr. Witness # 4. Once the subjects were secured in the back of Deputy Meyers' patrol vehicle, he turned off his belt recorder to search the now empty theft

¹ Herein is a summary only. All reports submitted were reviewed, but not all are referenced here.

vehicle. Deputy Cuevas secured the passenger, and he approached the theft vehicle on the passenger side to assist Deputy Meyers with the search.

While standing on the driver's side of the suspected thieves' vehicle performing a search, Deputy Meyers noticed headlights illuminate the side of the building, and "within a split second, half a second," Deputy Meyers heard an engine rev and accelerate. Immediately Deputy Meyers was struck from the back left side as he was standing in the back passenger area on the driver's side. Deputy Meyers stated that "it struck me hard and fast pushing me into the front portion of the driver's door," pinning him. Deputy Meyers' first thought was that he had been struck by a DUI driver.

Deputy Meyers was pinned and could not move to get out between the cars. Deputy Meyers made eye contact with the driver and described him as straight faced, "angry, eyes wide open," and "determined and mad." Deputy Meyers then believed that this was an intentional act, and not a DUI driver. Deputy Meyers continued to struggle to free himself. Deputy Meyers maintained eye contact with the driver and watched him quickly exit his vehicle.

Deputy Meyers did not know where Deputy Cuevas was, just that he was initially on the passenger side of the theft vehicle. Deputy Meyers maintained visual on the driver that struck him and was able free himself and begin to move towards the back of the theft vehicle. Deputy Meyers saw that the driver had a knife in his right hand.

Deputy Meyers yelled to the driver, "[s]how me your hands! Put your hands up!" The driver did not comply. Deputy Meyers yelled at the driver to get on the ground, and the driver did not comply. Deputy Meyers had drawn his firearm as he was struggling to get himself free, before he yelled any commands, and described the driver as moving very quickly towards the deputies. Deputy Meyers recounted that there was no where to retreat; there was a railing, walkway, and a building directly behind them.

The driver continued to advance, did not respond to commands, and moved quickly towards Deputy Meyers who could still see the knife in the driver's hand. Deputy Meyers described that the driver was holding it "as if you would hold a dagger with the blade facing towards the ground" within a clenched fist. The knife was held towards the upper portion of the driver's chest so that a stabbing motion could be made in a downward strike/movement.

When the armed driver was within five to seven feet of both Deputy Meyers and Deputy Cuevas, Deputy Meyers discharged his firearm and estimated the first volley was of two to three rounds. Deputy Meyers remembered thinking that he would be stabbed and that he did not want to die. Deputy Meyers stated that he also heard Deputy Cuevas discharge his firearm as well. The shots were initially ineffective as the driver continued forward towards the deputies. When the driver did not stop his advance, within one half to one second, Deputy Meyers fired two to three more shots from his duty weapon. At this point, the driver fell to the ground.

The driver rolled to his back and maintained the same grip on the knife at his chest as he lay on the ground. Deputy Meyers issued additional commands for the driver to drop the knife, but even on the ground the driver had his fist clenched around the handle.

Deputy Meyers radioed in to dispatch the information that he had been struck by the vehicle, that shots were fired, and that the driver was down with a knife and was continuing to move. Deputy Meyers also requested medical aid. Deputy Meyers began to feel pain in his leg from being hit by the suspect's car and his leg started to buckle, and Deputy Meyers had trouble standing. The driver continued to move and extended his hand with knife out to his right side and continued to disobey commands. Within two seconds of his right arm extension the driver's hand opened and the knife dropped to the ground. Deputy Meyers was unable to move with his injury and Deputy Cuevas moved to the side of the suspect to kick the knife away, while Deputy Meyers provided cover.

Once Deputy Cuevas kicked the knife away Deputy Meyers moved to the rear of the suspected thieves' car to prop himself up as his knee continued to give out from the injury. Deputy Meyers continued to try and provide cover and continued to give the suspect, who was still down, commands such as, "[d]o not move," "[d]on't grab the knife," and "[r]ollover and put your hands behind your back." The suspect remained down and did not respond or comply with the commands.

Deputy Meyers recounted that within twenty to thirty seconds he could hear sirens from other deputies and medical aid approach, and they arrived shortly thereafter. Deputy Meyers was placed into a patrol vehicle driven by Deputy Rebollar and transported to San Antonio Hospital.

On October 4, 2022, at approximately 10:15 a.m., **Deputy Alberto Cuevas** was interviewed by Detective Justin Carty and Detective Eric Ogaz of the San Bernardino County Sheriff's Department.

Deputy Cuevas was employed by the San Bernardino County Sheriff's Department as a deputy sheriff. On September 24, 2022, Deputy Cuevas was on duty, assigned to patrol out of the Rancho Cucamonga Station, specifically the Victoria Gardens substation focusing on retail theft. Deputy Cuevas drove a marked Sheriff's Department patrol vehicle and wore a readily identifiable Sheriff's Department approved Class A uniform. Deputy Cuevas carried a Glock 17 9mm that was loaded with 17 bullets, plus one in the chamber.

On September 24, 2022, Deputy Cuevas was assigned to patrol at Victoria Gardens as a Retail Theft Deputy. He was assigned to work the graveyard shift for the hours of 4pm to 2am but started his shift that day at 6pm. Deputy Cuevas was en route to Victoria Gardens when dispatch asked him to back up Deputy Meyers on the traffic stop from an alleged Home Depot theft. Deputy Cuevas was nearby and agreed to back up Deputy Meyers. He arrived within a few minutes of being asked to respond as he was close by.

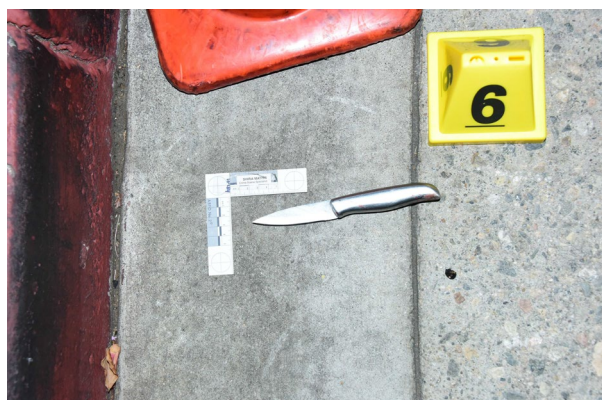
Upon arrival Deputy Cuevas parked his marked unit behind Deputy Meyers' patrol unit. Deputy Cuevas saw Deputy Meyers talking to the driver of the stopped vehicle on the driver's side. Deputy Cuevas exited his patrol vehicle and approached the stopped vehicle on the passenger side. Both occupants were cooperative but appeared nervous. Both occupants were asked to exit the vehicle and both deputies patted, searched, and handcuffed the men.

Deputy Meyers was on the phone with Home Depot Loss Prevention confirming what items they believed had been stolen, while Deputy Cuevas searched the vehicle on the passenger side. Deputy Cuevas heard a crash, and he was startled and concerned knowing that Deputy Meyers was on the other side of the car where the collision happened. As Deputy Cuevas looked over to see if everyone was okay, he saw Bonds exit the car and walk quickly towards the back of the car that Deputy Cuevas was searching.

Deputy Cuevas made eye contact with Bonds as Bonds approached him, and noted that Bonds appeared, "angry." Deputy Cuevas gave Bonds the command, "[h]ey, get down. Get on the ground." Bonds did not comply. As Bonds continued advancing, Deputy Cuevas saw that Bonds had a knife in his hand. Deputy Cuevas described the blade of the knife as three to four inches, with the handle gripped in Bonds' hand. The blade of the knife was pointed upwards and Bonds appeared, "to be on a mission."

Deputy Cuevas took two steps back to create more distance between himself and Bonds. Deputy Cuevas fired his duty weapon approximately four times in rapid succession. Bonds fell to the ground still holding the knife. As soon as Bonds went to the ground he started to turn, while still holding the knife. In response, Deputy Cuevas fired two more shots at Bonds. Bonds stayed on the ground still holding the knife.

Immediately Deputy Meyers called in to dispatch to advise he was hit by a car and there were shots fired and medical aid was needed. Deputy Cuevas and Deputy Meyers continued to give commands to Bonds to, "drop the knife," and Bonds did not comply. While waiting for back up and medical to arrive, Deputy Cuevas knew that Deputy Meyers was injured, so in attempt to secure the scene, Deputy Cuevas approached Bonds and kicked the knife away from Bonds, while keeping Bonds at gunpoint.



STATEMENTS BY CIVILIAN WITNESSES²

On September 24, 2022, at approximately 2:49 a.m., **Witness # 1** was interviewed by Detectives Eric Ogaz and Edward Hernandez of the San Bernardino County Sheriff's Department.

Witness # 1 was in custody on an unrelated matter and was one of two individuals that was inside the Sheriff's patrol vehicle when this incident occurred. Witness # 1 was asked only about this incident, and not about the incident for which he was placed into custody. Witness # 1 agreed to speak with investigators.

Witness # 1 was handcuffed to the rear and sat on the driver's side rear seat inside the Sheriff's patrol vehicle. Witness # 1 was facing forward and had an unobstructed view forward, through the patrol vehicle's windshield. Witness # 1 watched Deputies Meyers and Cuevas search Witness # 1' vehicle and knew them to be law enforcement officers based on their uniform and contact.

Witness # 1 saw a dark colored sedan strike their car that was being searched and hit Deputy Meyers. The impact of the collision bent the driver's side door backwards and pinned Deputy Meyers between the two cars. Witness # 1 was unable to estimate the speed but said that it was faster than normal. Witness # 1 saw the sedan reverse, and then go forward again, striking Meyers a second time. Witness # 1 saw the driver of the sedan, later identified as Bonds, exit the front driver's side and run towards Meyers and Cuevas.

Deputies Meyers and Cuevas told Bonds to stop, but Bonds did not stop. Witness # 1 estimated that Bonds was two to three feet away from the deputies when they shot him. Witness # 1 did not see a muzzle flash, but heard the gun shots, and estimated approximately five total shots. Witness # 1 was unable to see Bonds' hands from his vantage point in the back of the patrol vehicle, but heard one of the deputies yell, "[h]e's got a knife, he has a knife!"

The deputies continued to give Bonds commands while Bonds was on the ground, although Witness # 1 could not see Bonds. Witness # 1 told investigators that he heard an approximate three additional gunshots while Bonds was on the ground. Witness # 1 did not see either of the deputies render aid to Bonds.

Witness # 1 believed that Bonds had accidentally collided with Deputy Meyers and expressed his surprise that Bonds charged at him instead of apologizing.

Witness # 2 also provided a statement to Detectives Nicholas Craig and Eric Ogaz of the San Bernardino County Sheriff's Department, shortly after the officer-involved shooting.

² All reports of civilian statements made were reviewed, though not all are summarized here.

Witness # 2 was in custody on an unrelated matter and was one of two individuals that was inside the Sheriff's patrol vehicle when this incident occurred. Witness # 2 was asked only about this incident, and not about the incident for which he was placed into custody. Witness # 2 agreed to speak with investigators.

Witness # 2 was handcuffed to the rear and sat in the rear passenger side backseat of Deputy Meyers' patrol vehicle, next to witness Witness # 1. Witness # 2 could see through, what he described as a, "metal fence" (patrol vehicle cage), and through the front windshield of the patrol vehicle.

At the time of the incident, Witness # 2 was praying with his head rested on the headrest and heard Witness # 1 say, "oh shit." Witness # 2 looked up and saw Deputy Meyers pinned between Witness # 2's white Matrix and a blue sedan. Witness # 2 did not see the blue sedan approach and strike Deputy Meyers.

Deputy Meyers was able to move himself from between the two vehicles and Witness # 2 said that Deputy Meyers spoke to the driver of the blue sedan, later identified as Marlon Bonds. Witness # 2 did not know what was said and had never seen Bonds and could not describe him other than a Black male adult.

Witness # 2 described Bonds exiting the driver's side of the blue sedan quickly with a knife in his right hand, and further described him as looking "angry." Witness # 2 described the knife as approximately five inches long and that he "charged" Deputy Meyers. According to Witness # 2, Deputies Meyers and Cuevas told Bonds multiple times to stop and to put the knife down, but Bonds did not comply.

Witness # 2 described that Meyers and Cuevas shot Bonds approximately four to five times and described the sound as hearing two guns shooting successively with no pauses between shots. Witness # 2 then looked away and told the Detectives he did not want to witness what happened. Witness # 2 maintained that he purposefully continued to look away throughout the remainder of the incident.

Witness # 3 was interviewed on September 25, 2022, at approximately 12:47 a.m. by Deputy Dylan Gosswiller. Witness # 3 worked security at the Home Depot across the street from the incident location and was contacted by another co-worker (Witness # 4) about two persons inside the Home Depot allegedly stealing. These persons were later identified as Witness # 2 and Witness # 1.

As part of the investigation into the alleged theft, Witness # 4 created a three-way call between Deputy Meyers, Witness # 3, and himself. While on this call Witness # 3 and Witness # 4 stood outside the Home Depot and reported the retail theft and the location of those suspects to Deputy Meyers.

Witness # 4, Witness # 3, and Deputy Meyers remained on this shared call throughout the contact with the unrelated suspects and watched Deputy Meyers conduct the traffic stop. Witness # 3 (and Witness # 4) watched Deputy Meyers contact the suspects and

speak to them at the driver's side door. Witness # 3 watched the second deputy arrive, Deputy Cuevas. Deputy Meyers began to search the vehicle while still on this three-way call, and while Witness # 3 watched from across the street.

At approximately 7:30 p.m., Deputy Meyers sent Witness # 3 a photo of the alleged stolen items found inside the unrelated suspected thieves' vehicle. Witness # 3 and Witness # 4 discussed which one of them would return inside to handle the surveillance footage and report from the alleged theft. Witness # 3 heard a crash and saw a blue sedan collided with the unrelated suspected thieves' vehicle and Deputy Meyers was pinned between the two.

Witness # 3 did not see Bonds exit the driver's side but heard Meyers say over the still open call, "[h]e has a knife!" Witness # 3 heard approximately three rapid gunshots and he and Witness # 4 dropped to the ground. Witness # 3 estimated he was on the ground for approximately 30 to 90 seconds, during which time he heard approximately twelve gunshots and heard Meyers say, "[p]riority shots fired, subject had a knife, I've been hit!" Meyers then said that the subject still had a knife, was on the ground, and there were multiple injuries. Witness # 3 heard Meyers say, "subject is reaching to the knife, drop the knife!"

Witness # 3 witnessed multiple patrol vehicle arrived at the location and heard Deputy Meyers tell a partner that he was okay. Witness # 4 and Witness # 3 wished Deputy Meyers well and terminated their shared call.

Witness # 4 was interviewed on September 24, 2022, by Deputy Dylan Gosswiller. Witness # 4 worked at the Home Depot across the street from the incident location and had observed two Hispanic males allegedly shoplifting. Witness # 4 watched the two males leave Home Depot and get into a vehicle and leave the parking lot. At the same time Witness # 4 observed a marked patrol vehicle driven by Deputy Meyers who he recognized from previous contacts.

Witness # 4 called Deputy Meyers' cell phone, and created a three-way call between himself, Deputy Meyers, and Home Depot employee Witness # 3. Witness # 4 reported the alleged theft to Deputy Meyers and described the car. Witness # 4 remained outside with visual on the theft vehicle as well as Deputy Meyers.

Witness # 4 saw Deputy Meyers make a traffic stop on the theft vehicle and heard Deputy Meyers explain the reason for the stop to the occupants. Witness # 4 observed Deputy Cuevas arrive to the incident location and assist Deputy Meyers with the suspected theft contact.

Witness # 4 communicated with Deputy Meyers via text during this call and exchanged pictures of the suspects from the surveillance video and received photos of allegedly stolen merchandise found in the vehicle by Deputy Meyers. Witness # 4 turned and took a few steps toward the Home Depot when he heard screeching tires and the sound of two vehicle colliding.

Witness # 4 heard Deputy Meyers say, “[a]w shit, I’m pinned, I’m pinned!” When Witness # 4 looked toward the sound he saw a blue Hyundai sedan with Deputy Meyers pinned. The driver later identified as Marlon Bonds exited the driver’s door of the suspect vehicle wearing a black hoodie and blue or black jeans. Bonds was approximately fifteen to twenty feet away from Deputy Meyers and Witness # 4 heard Meyers yell, “[h]e’s got a knife! He’s got a knife! Drop the knife!” Witness # 4 could not see anything in Bonds’ hand as Bonds was behind the vehicle.

Witness # 4 heard approximately fifteen to twenty gunshots and he and Witness # 3 went to the ground to avoid the gunfire. Witness # 4 did not see who fired the shots but heard Meyers say, “[h]e’s still got the knife, drop the knife, drop the knife, don’t move!” Witness # 4 did not hear additional gunshots. Witness # 4 did not know where Deputy Cuevas was.

Witness # 4 heard Meyers say, “shots fired,” and requested additional patrol vehicles. Witness # 4 estimated that between fifteen to twenty patrol vehicles arrived. Meyers’ phone was still on, and Meyers told Witness # 4 that he [Meyers] needed to go to the hospital and would send another deputy to follow up on the theft.

Witness # 5 was interviewed via phone on September 25, 2022, by Detective Malcolm Page. Witness # 5 is suspect Marlon Bonds’ mother. Witness # 5 refused to meet with investigators or provide her location, when she was notified over the phone that her son was deceased, she hung up the phone.

Approximately six hours later she called Detective Page back and made a telephonic statement that Marlon Bonds was her only child and that she resided in the City of Santa Monica. Witness # 5 said that she raised Marlon Bonds to not trust law enforcement and to believe that officers are inherently racist. Witness # 5 taught Marlon Bonds to not get in trouble and to avoid law enforcement at any cost.

Witness # 5 told Detective Page that Marlon Bonds suffered from an undiagnosed form of schizophrenia and she had attempted to get him help and support. Marlon Bonds was unpredictable, hostile, and quick to anger. Witness # 5 attempted to find Marlon Bonds help in Santa Monica but was turned away which frustrated her.

In 2021, according to Witness # 5, Marlon Bonds’ mental health declined even further. Marlon Bonds began to post on social media and believe that he [Marlon] was the “King of Israel” and Witness # 5 believed that he considered himself “God.”

In an attempt to help, Witness # 5 rented Marlon Bonds the vehicle used in this incident and paid \$700 per month to extend the contract in 30-day increments. Witness # 5 believed that Marlon Bonds was living out of the vehicle.

On May 5, 2021, Witness # 5 reported Marlon Bonds missing and attempted contact with him to meet her at the rental car agency to extend the lease. Marlon Bonds did not

attend that meeting and blocked his mother's number. Witness # 5 declined to report the vehicle stolen and during the interview expressed remorse for the deputy that had been injured by Marlon Bonds.

INCIDENT AUDIO AND VIDEO

Dispatch Recording³

The dispatch recording begins with a Deputy giving his location and other unrelated traffic. Approximately eight minutes in Deputy Meyers is heard asking dispatch to confirm identify on Witness # 2. Dispatch responds that Witness # 2 is "Code 30⁴ out of Palmdale." Dispatch advises another unit is en route to Deputy Meyers' location at Foothill near Rochester. Deputy Cuevas confirms.

Deputy Meyers asked dispatch to run the driver's license of Witness # 2. Dispatch confirms and reads back the information, Meyers copies. Unrelated call for service.

After some dead air, Deputy Meyers comes over the radio distressed and calls for "priority traffic." Deputy Meyers stated "I have just been struck by a subject with a car, shots fired, suspect armed with a knife, shots fired suspect is down, need med aid and additional units." Deputy Meyers yells, "[d]rop the knife! Drop the knife! Drop the knife!" Dispatch confirms and ask for more units to respond. Deputy Meyers comes back on the radio and says, "Paul-70, he's still armed with a knife. We're going to be in the driveway between Popeyes and the Gen restaurant southside of Foothill just west of Rochester. Subject still has the knife in his hand and is still moving.

In the background Deputy Cuevas can be heard yelling, "[d]rop the knife!"

A male voice responds and ask that Dispatch show them on the call and en route. Beeping. A male voice asks for an update. Paul 78 responds that the suspect is still on the ground. Sam 9 asks Dispatch to start meds. Dispatch acknowledges that request.

A male voice asks what direction to enter the scene from. Another male voice answers to come in "eastbound on Foothill." A male voice says that they are "97" and whoever is not on scene can go 10-8.⁵ The Sergeant on scene gives further details about the location, specifying that the scene is in Masi Plaza.

Dispatch asks if "they" are needed for the suspect or the deputies. A male voice responds that the "deputy was hit by a car so when AMR gets here, we'll load him up." This same male voice says, "eight or nine rounds were fired in a northeast direction."

³ The dispatch recording was reviewed in its entirety. The summary will cover the events from the beginning of the recording through the point immediately after the incident under review.

⁴ Code 30 refers to a subject with no warrants.

⁵ "97" is code for on scene, and this speaker is telling other deputies that if they are not on scene already, that they can go "10-8" or back on patrol to answer other calls for service.

Some of the audio at approximately 25 minutes is difficult to hear because it seems multiple people are trying to speak at the same time.

A male voice says that Deputy Redlar (phonetic) will be transporting the injured deputy to the hospital, code 3.⁶ Dispatch copies. A male voice requests an ambulance for the suspect who they say has been “hit about three times.” The audio cuts off abruptly. Beeping.

A male voice says that Fire is now treating the suspect. Dispatch acknowledges. A male voice advises that the surrounding streets of Foothill and Rochester will be shut down. Dispatch acknowledges. David 70 asks Dispatch to show that he is on scene. Dispatch asks if a second ambulance is needed. A male voice responds that the Deputy went off in one, and they need another ASAP. Another male voice corrects that statement and says that the Deputy is being transported in a unit, sirens can be heard in the background.

Surveillance Video

The Gen Korean BBQ House is a restaurant establishment adjacent to the incident scene, they provided footage from their security cameras.

Camera 14 was mounted near the roofline and faced northwest toward Foothill Boulevard. Camera 14 captured Deputy Meyers’ initial traffic stop of the White Toyota Matrix. The Matrix vehicle stopped partially out of the line of sight of Camera 14, Deputy Meyers approached the Matrix on the driver’s side. A blue Hyundai Elantra driven by Marlon Bonds entered the entryway behind Deputy Meyers’ patrol vehicle. Bonds’ vehicle slowly passed by the Meyers’ traffic stop, proceeding south into the shopping plaza. Deputy Cuevas arrived in his marked Dodge Charger and parked behind Meyers. Deputy Cuevas’ overhead lights were also activated.

The suspects from the Matrix, Witness # 1 and Witness # 2, were escorted to Meyers’ patrol vehicle. Meyers searched the Matrix standing on the driver’s side, with his back towards Foothill Boulevard. The blue Hyundai Elantra entered the same driveway again. Bonds proceeded south in the northbound driveway lane, with Meyers still on the driver’s side of the Matrix, his back facing the oncoming Hyundai Elantra. As Bonds accelerated toward where Meyers was standing.

The front portion of the Hyundai Elantra struck Meyers from behind. Meyers’ body moved upward and toward the south from the impact, and Meyers was pinned against the Matrix. The force of the collision moved Meyers further south and outside the view of Camera 14. From the point Bonds accelerated towards Meyers and through the collision, the brake lights on the Hyundai Elantra never activated. The Hyundai Elantra continued south for approximately six feet. As the car stopped, the interior dome activated, and Marlon Bonds opened the driver’s door. Bonds stepped out as Deputy Cuevas approached the rear passenger side of the Matrix.

⁶ “Code 3” means with lights and sirens and for an emergency purpose.

As Bonds exited the Hyundai Elantra, Deputy Cuevas walked northeast towards the rear of the Hyundai Elantra. Bonds faced west toward the Matrix. As Deputy Cuevas proceeded around the passenger side of the Hyundai Elantra, Bonds had his right arm and leg extended. In Bonds' right hand is a metal object, later identified as a knife. Bonds shut the driver's door to the Hyundai Elantra, and proceeded toward Deputy Cuevas, who backed away toward the west.

As Bonds proceeded west around the rear driver's side of the Hyundai Elantra, Bonds faced Deputies Meyers and Cuevas who remained between the Hyundai Elantra and the Matrix with their handguns pointed at Bonds. Deputy Cuevas continued to back up toward the southwest. Bonds continued towards the deputies and extended his left arm, a tree partially obscured the camera's view, and both Deputy Meyers and Cuevas fired their handguns.

Bonds fell to the ground behind the Hyundai Elantra. Bonds continued to move while on the ground and Deputies Meyers and Cuevas stayed on the westside of the Hyundai Elantra and kept their handguns pointed at Bonds. After continued movement from Bonds, Deputy Cuevas approached Bonds' feet and kicked away the knife that was on the ground. Bonds continued to move on the ground, and three additional patrol vehicles arrived to assist. Bonds was given medical aid on scene and transported to a local hospital.

It should be noted that the high intensity overhead emergency lights of the patrol vehicles washed out or partially obscured some portions of the surveillance video as they flashed.

DECEDENT INFORMATION

Marlon Bonds was pronounced deceased after medical intervention at the scene and at San Antonio Community Hospital by Dr. Trigueros on September 24, 2022, at 2029 hours.

Dr. Scott Luzi, Forensic Pathologist, San Bernardino County Sheriff's Department, Coroner, conducted the autopsy of Marlon Bonds on September 27, 2022. Dr. Luzi determined the cause of death was multiple gunshot wounds. In addition, there were abrasions and one laceration, natural and pre-existing conditions to include cardiomegaly with left ventricular hypertrophy and mild peripheral atherosclerosis.

External Injuries:

1. Three abrasions around the right eye.
2. Gunshot entry wound to the rear of the right bicep.
3. Gunshot entry wound to the right elbow.
4. Gunshot entry wound to the lower right back, right of centerline.
5. Gunshot exit wound in the right lateral abdomen.

6. Gunshot exit wound to the inner right bicep with protruding fired bullet.
7. Gunshot entry wound to the left shoulder.
8. Two gunshot entry wounds to the left bicep.
9. Two gunshot exit wounds to the inner left bicep with correlating entry wounds to the left chest.
10. Gunshot entry wound to the left lateral abdomen.
11. Gunshot entry wound to the abdomen, left of centerline, below the left nipple.
12. Gunshot entry wound to the left chest, left of centerline, left of the left nipple.
13. Gunshot entry wound to the left armpit/flank.
14. Gunshot entry wound to the center back, left of centerline.
15. Gunshot graze wound, and correlated entry wound to lower back with a protruding fired bullet.

Dr. Luzi further described the bullet paths as overlapping and intersecting paths that caused extensive tissue damage.

Chest blood was obtained and sent to NMS Lab in Pennsylvania for toxicology analysis. Testing showed the following:

Analyte	Result
11-Hydroxy Delta-9 THC	2.2 ng/ml
Delta-9 Carboxy THC	36 ng/ml
Delta-9 THC	4.9 ng/ml

No other substances were found in Bonds' blood analysis.

Marlon Bonds has a prior criminal history that includes a conviction of the offense listed below:

2015, 4.08.095 and 3.12.350 of the Santa Monica Municipal Code, Prohibits Camping in Public Place and Obstructing Pedestrian or Vehicular Traffic, Los Angeles County Case number LAX4WA2445801, both misdemeanors.

DE-ESCALATION ATTEMPTS

Both deputies Alberto Cuevas and John Meyers attempted to de-escalate the situation during the incident. Both Deputies gave commands for Bonds to drop his weapon multiple times as confirmed by audio of the incident. Bonds did not respond to the de-escalation attempts and continued to advance towards both Deputies while armed with a knife.

APPLICABLE LEGAL PRINCIPLES

Assault With a Deadly Weapon

PENAL CODE SECTION 245 (a)(1). Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not exceeding one year, or by a fine not exceeding ten thousand dollars, or by both fine and imprisonment.

(c) Any person who commits an assault with a deadly weapon or instrument, other than a firearm, or by any means likely to produce great bodily injury upon the person of a peace officer or firefighter, and who knows or reasonably should know that the victim is a peace officer or firefighter engaged in the performance of his or her duties, shall be punished by imprisonment in the state prison for four, six, or eight years. (Penal Code 245, summarized in pertinent part.)

Reasonable Force

A peace officer may use objectively reasonable force to effect an arrest if he believes that the person to be arrested has committed a public offense. (Calif. Penal Code §835a(b).)⁷ Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal Code §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal Code §835a(d).)

An arrestee has a duty to refrain from using force or any weapon to resist arrest, if he knows or should know that he is being arrested. (Penal Code §834a.) This duty remains even if the arrest is determined to have been unlawful. (*People v. Coffey* (1967) 67 Cal.2d 204, 221.) In the interest of orderly resolution of disputes between citizens and the government, a *detainee* also has a duty to refrain from using force to resist detention or search. (*Evans v. City of Bakersfield* (1994) 22 Cal.App.4th 321, 332-333.) An arrestee or detainee may be kept in an officer's presence by physical restraint, threat of force, or assertion of the officer's authority. (*In re Gregory S.* (1980) 112 Cal. App. 3d 764, 778, *citing, In re Tony C.* (1978) 21 Cal.3d 888, 895.) The force used by the officer to effectuate the arrest or detention can be justified if it satisfies the Constitutional test in *Graham v. Connor* (1989) 490 U.S. 386, 395. (*People v. Perry* (2019) 36 Cal. App. 5th 444, 469-470.)

An officer-involved shooting may be justified as a matter of self-defense, which is codified in Penal Code sections 196 and 197. Both code sections are pertinent to the analysis of the conduct involved in this review and are discussed below.

⁷ All references to code sections here pertain to the California Penal Code.

PENAL CODE SECTION 196. Police officers may use deadly force in the course of their duties, under circumstances not available to members of the general public. Penal Code Section 196 states that homicide by a public officer is justifiable when it results from a use of force that “is in compliance with Section 835a.” Section 835a specifies a ***police officer is justified in using deadly force*** when he reasonably believes based upon the totality of the circumstances, that it is necessary:

- (1) to defend against an imminent threat of death or serious bodily injury to the officer or another, or
- (2) to apprehend a fleeing felon who threatened or caused death or serious bodily injury, if the officer also reasonably believes that the fleeing felon would cause further death or serious bodily injury unless immediately apprehended,

(Penal Code §835a(c)(1).) Discharge of a firearm is “deadly force.” (Penal Code §835a(e)(1).) The “[t]otality 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.” (Penal Code §835a(e)(3).)

While the appearance of these principals is new to section 835a in 2020,⁸ the courts have been defining the constitutional parameters of use of deadly force for many years. In 1985, the United States Supreme Court held that when a police officer has probable cause to believe that the suspect he is attempting to apprehend “has committed a crime involving the infliction or threatened infliction of serious physical harm” to the officer or others, using deadly force to prevent escape is not constitutionally unreasonable. (*Tennessee v. Garner* (1985) 471 U.S. 1, 11-12.) California courts have held that when a police officer’s actions are reasonable under the Fourth Amendment of our national Constitution, that the requirements of Penal Code § 196 are also satisfied. (*Witness # 1 v. County of Los Angeles* (1996) 47 Cal.App.4th 334, 349; *Brown v. Grinder* (E.D. Cal., Jan. 22, 2019) 2019 WL 280296, at *25.) There is also a vast body of caselaw that has demonstrated *how* to undertake the analysis of what is a reasonable use of force under the totality of the circumstances. (See *Reasonableness* discussion, *infra*.) As such, our pre-2020 state caselaw, developed upon the former iteration of section 196, is still instructive.

There are two new factors in section 835a that did not appear in the section previously, nor did they develop in caselaw pertaining to use of deadly force. First, a peace officer must make reasonable efforts to identify themselves as a peace officer and warn that deadly force may be used, prior to using deadly force to affect arrest. (Penal Code §835a(c)(1).) This requirement will not apply if an officer has objectively reasonable grounds to believe that the person to be arrested is aware of those facts. (Penal Code §835a(c)(1).) Second, deadly force cannot be used against a person who only poses a danger to themselves. (Penal Code §835a(c)(2).)

⁸ Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

While the codified standards for use of deadly force in the course of arrest are set forth at subsections (b) through (d) of Section 835a, the legislature also included findings and declarations at subsection (a). These findings and declarations lend guidance to our analysis but are distinct from the binding standards that succeed them within the section. In sum, the findings are as follows:

- (1) that the use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;
- (2) that use of force should be used only when necessary to defend human life and peace officers shall use de-escalation techniques if it is reasonable, safe and feasible to do so;
- (3) that use of force incidents should be evaluated thoroughly with consideration of gravity and consequence;⁹
- (4) that the evaluation of use of force is based upon a totality of the circumstances, from the perspective of a reasonable officer in the same situation; and
- (5) that those with disabilities may be affected in their ability to understand and comply with peace officer commands and suffer a greater instance of fatal encounters with law enforcement, therefore.

(Penal Code §835a(a).)

PENAL CODE SECTION 197. California law permits *all persons* to use deadly force to protect themselves from the imminent threat of death or great bodily injury. Penal Code section 197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

The pertinent criminal jury instruction to this section is CALCRIM 505 (“Justifiable Homicide: Self-Defense or Defense of Another”). The instruction, rooted in caselaw, states that a person acts in lawful self-defense or defense of another if:

⁹ Penal Code §835a (a)(3) conflates a demand for thorough evaluation of a use of force incident with a dictate that it be done “in order to ensure that officers use force consistent with law and agency policies.” On its face, the section is clumsily worded. Nothing included in AB-392 plainly requires that a use of force also be in compliance with agency policies. A provision in the companion bill to AB-392—Senate Bill No. 230 [(2019-2020 Reg. Sess.) approved by the Governor, September 12, 2019] (Hereinafter “SB-230”), does explicitly state that “[a law enforcement agency’s use of force policies and training] may be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably, but shall not be considered as imposing a legal duty on the officer to act in accordance with such policies and training.” (Sen. Bill No. 230 (2019-2020 Reg. Sess.) §1.) It is noteworthy, however, that this portion of SB-230 is uncodified, unlike the aforementioned portion of Penal Code §835a (a)(3).

- (1) he reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury;
- (2) he reasonably believed that the immediate use of deadly force was necessary to defend against that danger; and
- (3) he used no more force than was reasonably necessary to defend against that danger.

(CALCRIM 505.) The showing required under section 197 is principally equivalent to the showing required under section 835a(c)(1), as stated *supra*.

IMMINENCE. “Imminence is a critical component” of self-defense. (*People v. Humphrey* (1996) 13 Cal.4th 1073, 1094.) A person may resort to the use of deadly force in self-defense, or in defense of another, where there is a reasonable need to protect oneself or someone else from an apparent, *imminent* threat of death or great bodily injury. “An imminent peril is one that, from appearances, must be instantly dealt with.” (*In re Christian S.* (1994) 7 Cal.4th 768, 783.) The primary inquiry is whether action was instantly required to avoid death or great bodily injury. (*Humphrey, supra*, 13 Cal. 4th at 1088.) What a person knows, and his actual awareness of the risks posed against him are relevant to determine if a reasonable person would believe in the need to defend. (*Id.* at 1083.) In this regard, there is no duty to wait until an injury has been inflicted to be sure that deadly force is indeed appropriate. (*Scott v. Henrich, supra*, 39 F. 3d at 915.)

Imminence newly defined in the context of use of force to effect an arrest, is similar:

A threat of death or serious bodily injury is “imminent” when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(Penal Code §835a(e)(2).)

REASONABLENESS. Self-defense requires both subjective honesty and objective reasonableness. (*People v. Aris* (1989) 215 Cal.App.3d 1178, 1186.) The United States Supreme Court has held that an officer’s right to use force in the course of an arrest, stop or seizure, deadly or otherwise, must be analyzed under the Fourth Amendment’s “reasonableness” standard. (*Graham v. Connor, supra*, 490 U.S. at 395.)

The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than with the 20/20

vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

(*Id.* at 396-397, citations omitted.)

The “reasonableness” test requires an analysis of “whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.” (*Id.* at 397, citations omitted.) What constitutes “reasonable” self-defense or defense of others is controlled by the circumstances. A person’s right of self-defense is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639.) If the person’s beliefs were reasonable, the danger does not need to have actually existed. (CALCRIM 505.) Yet, a person may use no more force than is reasonably necessary to defend against the danger they face. (CALCRIM 505.)

When deciding whether a person’s beliefs were reasonable, a jury is instructed to consider the circumstances as they were known to and appeared to the person and considers what a reasonable person in a similar situation with similar knowledge would have believed. (CALCRIM 505.) It was previously held that in the context of an officer-involved incident, this standard does not morph into a “reasonable police officer” standard. (*People v. Mehserle* (2012) 206 Cal.App. 4th 1125, 1147.)¹⁰ To be clear, the officer’s conduct should be evaluated as “the conduct of a reasonable person functioning as a police officer in a stressful situation.” (*Id.*)

The *Graham* court plainly stated that digestion of the “totality of the circumstances” is fact-driven and considered on a case-by-case basis. (*Graham v. Connor, supra*, 490 U.S. at 396.) As such, “reasonableness” cannot be precisely defined nor can the test be mechanically applied. (*Id.*) Still, *Graham* does grant the following factors to be considered in the “reasonableness” calculus: the severity of the crime committed, whether the threat posed is immediate, whether the person seized is actively resisting arrest or attempting to flee to evade arrest. (*Id.*)

Whether the suspect posed an immediate threat to the safety of the officer or others has been touted as the “most important” *Graham* factor. (*Mattos v. Agarano* (9th Cir. 2011) 661 F.3d 433, 441-442.) The threatened use of a gun or knife, for example, is the sort of immediate threat contemplated by the United States Supreme Court, that justifies an officer’s use of deadly force. (*Reynolds v. County of San Diego* (9th Cir. 1994) 858 F.Supp. 1064, 1071-72 “an officer may reasonably use deadly force when he or she confronts an armed suspect in close proximity whose actions indicate an intent to

¹⁰ The legislative findings included in Penal Code section 835a(a)(4) suggest to the contrary that “the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation”. As such, if the officer using force was acting in an effort to *effect arrest*, as is governed by section 835a, then it appears the more generous standard included there would apply.

attack.”) Again, the specified factors of *Graham* were not meant to be exclusive; other factors are taken into consideration when “necessary to account for the totality of the circumstances in a given case.” (*Mattos v. Agarano, supra*, 661 F.3d at 441-442.)

The use of force policies and training of an involved officer’s agency *may* also be considered as a factor to determine whether the officer acted reasonably. (Sen. Bill No. 230 (2019-2020 Reg. Sess) §1. See fn. 3, *infra*.)

When undertaking this analysis, courts do not engage in *Monday Morning Quarterbacking*, and nor shall we. Our state appellate court explains,

under *Graham* we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes ‘reasonable’ action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure.

(*Martinez v. County of Los Angeles, supra*, 47 Cal.App. 4th at 343, citing *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347.) Specifically, when a police officer reasonably believes a suspect may be armed or arming himself, it does not change the analysis even if subsequent investigation reveals the suspect was unarmed. (*Baldrige v. City of Santa Rosa* (9th Cir. 1999) 1999 U.S. Dist. LEXIS 1414 *1, 27-28.)

The Supreme Court’s definition of reasonableness is, therefore, “comparatively generous to the police in cases where potential danger, emergency conditions or other exigent circumstances are present.” (*Witness # 1 v. County of Los Angeles, supra*, 47 Cal.App. 4th at 343-344, citing *Roy v. Inhabitants of City of Lewiston* (1st Cir. 1994) 42 F.3d 691, 695.) In close-cases therefore, the Supreme Court will surround the police with a fairly wide “zone of protection” when the aggrieved conduct pertains to on-the-spot choices made in dangerous situations. (*Id.* at 343-344.) One court explained that the deference given to police officers (versus a private citizen) as follows:

unlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because ‘the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.’

(*Munoz v. City of Union City* (2004) 120 Cal.App. 4th 1077, 1109, citing *Graham v. Connor*, [*supra*] 490 U.S. 386, 396.)

ANALYSIS

To determine whether the deadly force used against Bonds was justified, we must look at the facts and circumstances that led up to the use of force. On Saturday, September 24, 2022, Deputy Meyers was investigating an alleged theft from Home Depot. During the investigation Deputy Meyers parked his patrol vehicle behind the alleged theft vehicle and was speaking to the occupants. Deputy Cuevas arrived to back up deputy Meyers during this theft investigation.

Decedent Marlon Bonds drove his vehicle into Deputy Meyers and pinned him against the two vehicles. Bonds exited and approached both deputies with a knife in his hand. Both Deputy Meyers and Deputy Cuevas used deadly force in response and shot Bonds after ordering Bonds to drop the knife.

In this case, Deputies Alberto Cuevas and John Meyers had an honest and objectively reasonable belief that Bonds posed an imminent threat of serious bodily injury or death to both of those deputies on scene. Bonds hit the car that the deputies were searching and pinned Deputy Meyers, and then approached both deputies with a knife in his hand. It was reasonable for Deputies Alberto Cuevas and John Meyers to believe that Bonds would continue to use force against them while armed.

Video surveillance confirms what Deputies Alberto Cuevas and John Meyers, and all witnesses said in their written and recorded statements. Additionally, the physical evidence at the scene corroborates the statements as well. Under all those circumstances, and based upon a review of the evidence herein, it was objectively reasonable to believe that Bonds posed an immediate and serious threat to Deputies Alberto Cuevas and John Meyers' physical safety and thus their decision to use deadly force was justified.

CONCLUSION

Based on the facts presented in the report and applicable law, Deputy Cuevas' use of lethal force was a proper exercise of Deputy Cuevas' right of self-defense and defense of others, and therefore his actions were legally justified.

Based on the facts presented in the report and applicable law, Deputy Meyers' use of lethal force was a proper exercise of Deputy Meyers' right of self-defense and defense of others, and therefore his actions were legally justified.

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