



PUBLIC INFORMATION RELEASE MEMORANDUM

DATE: March 27, 2026

SUBJECT: Officer Involved Shooting (Non-Fatal)

Officers: Deputy Gregory Brannon
San Bernardino County Sheriff's Department

Deputy Lionel Brown
San Bernardino County Sheriff's Department

Sergeant Adrian Bustamante
San Bernardino County Sheriff's Department

Involved Subject: Luis Angel Sanchez Ortega (Injured)
Date of Birth **/**/**

Date of Incident: February 18, 2025

Incident location: **** Seine Avenue
Highland, CA

DA STAR #: 2025-32691

Investigating Agency: San Bernardino County Sheriff's Department

Case Agent: Detective Brandon Becker

Report Number #: DR# 132500583 / H# 2025-012

PREAMBLE

This was a non-fatal officer involved shooting by deputies from the San Bernardino County Sheriff's Department. The shooting was investigated by the San Bernardino County

Sheriff's Department. This factual summary is based on a thorough review of all the investigative reports, photographs, audio recordings, and video recordings submitted by the San Bernardino County Sheriff's Department, DR# 132500583 and H# 2025-012.

RELATED CASE

Because of this incident, the San Bernardino County Sheriff's Department, Highland Station, submitted a case to the San Bernardino County District Attorney's Office to review for potential criminal charges against Luis Angel Sanchez Ortega. Criminal charges were filed against Ortega in San Bernardino County Superior Court Case FSB25000672. On May 20, 2025, Ortega entered a plea agreement and the criminal case was resolved. Ortega entered a plea of guilty to a violation of Penal Code Section 69, Obstructing or Resisting an Executive Officer and a violation of Penal Code Section 664/459 Attempt Second Degree Burglary. Ortega was placed on two years felony probation with terms and conditions that included serve 185 days county jail with credit for 185 days served.

FACTUAL SUMMARY

On February 18, 2025, at around 9:51 in the evening, Witness #1¹ called 9-1-1 to report there was an unknown Hispanic male on his front porch refusing to leave his property which was located at **** Seine Avenue in the City of Highland. The subject, later identified as Luis Angel Sanchez Ortega, was speaking English and Spanish and was holding something in his right hand. Witness #1 went back inside his home and retrieved his gun. Deputy Lionel Brown, Deputy Gregory Brannon, and Sergeant Adrian Bustamante, from the San Bernardino County Sheriff's Department Highland Station, responded to the call for service. They were all in uniform and driving marked patrol vehicles that identified them as law enforcement officers.

When the deputies arrived at the location, they parked in the cul-de-sac near the residence and exited their patrol vehicles. The deputies were walking toward the residence when Witness #1 yelled out that Ortega was on his front porch. At that time, Ortega said, "Yes, I am." Ortega stood near the top of the driveway with his hands up above his head. An unknown object was visible in Ortega's right hand. Ortega started walking quickly in between the vehicles parked in the driveway toward the deputies. Ortega told the deputies, "Hey, hey, I'm tired of this life. Shoot me."

Ortega held his right hand above his head and moved it forward and backward. Deputy Brown and Deputy Brannon told Ortega to drop the object in his hand. Ortega would not comply with their verbal commands. Ortega continued to advance closer to the deputies.

¹ Witness #1 and Witness #2 share the same last name. Therefore, they will be referred to by their first names throughout the memorandum.

When Ortega reached the end of the driveway he sprinted directly toward Deputy Brown. Deputy Brown believed Ortega was holding a knife or a stick. When Ortega charged at him, Deputy Brown feared for his life and fired seven rounds at Ortega.

Deputy Brannon believed Ortega was holding a screwdriver. Afraid that Ortega was going to harm Deputy Brown, Deputy Brannon fired three rounds at Ortega. Sergeant Bustamante thought Ortega was holding a screwdriver, long piece of rebar, or some sort of blade. Similar to Deputy Brannon, Sergeant Bustamante feared Ortega was going to use the object to injure or kill Deputy Brown. Sergeant Bustamante fired four rounds at Ortega. After the shooting, Ortega fell to the ground.

The deputies approached Ortega and started to render medical aid. When medical personnel arrived at the scene, they transported Ortega to the hospital. Medical staff observed Ortega suffered the following injuries: a scalp laceration, a gunshot wound to the right posterior chest, two gunshot wounds to the right elbow area, and two gunshot wounds in the left lower thigh above the knee.

Ortega was interviewed at the hospital about what occurred with the deputies. Ortega stated he tried to take his life because of personal problems. Ortega indicated he used methamphetamine prior to the incident. Ortega said that he was carrying a stick that looked like a metal hook. Ortega explained he advanced at deputies because he knew their reaction would be to shoot him.

A wooden stick, over nine inches in length, was located at the scene.

STATEMENTS BY POLICE OFFICERS

On March 14, 2025, **Deputy Gregory Brannon²** was interviewed by Detective Levi Kerr and Detective Brandon Becker.

On February 18, 2025, **Deputy Gregory Brannon**, from the San Bernardino County Sheriff's Department Highland Station, was assigned to patrol. Deputy Brannon was in uniform and driving a marked patrol vehicle. Deputy Brannon was assisting on a call when he heard dispatch broadcast about an unwanted subject at a house located at **** Seine Avenue in the City of Highland. Deputy Brannon heard over the radio that Deputy Brown and Sergeant Bustamante were going to respond to the call for service. Deputy Brannon decided to place himself on the call as well.

While Deputy Brannon drove to the location, he read through the call on the computer in his patrol vehicle. He learned an unknown Hispanic male was on the reporting party's front porch. The suspect was wearing a plaid jacket and tan pants. The reporting party indicated

² Deputy Brannon was equipped with a body worn camera that was recording during the incident under review. Deputy Brannon reviewed the recording prior to being interviewed.

the subject left the location and possibly went west on Pacific. When Deputy Brannon arrived at the location, he parked his patrol vehicle two houses south of the address. Deputy Brown parked his patrol vehicle directly in front of him. Sergeant Bustamante made a U-turn in the cul-de-sac and parked his patrol vehicle to the left of Deputy Brannon's vehicle.

Deputy Brannon exited his patrol vehicle and started walking to the front of the residence. There were four vehicles parked in the driveway. Sergeant Bustamante was to the left of Deputy Brannon. Deputy Brannon heard the reporting party yell, "Hey, here he is. He's on my porch!" The suspect, later identified as Luis Angel Sanchez Ortega popped out from behind a pillar. Ortega stuck both of his hands up in the air and yelled, "Yeah, yeah, here I am!"

Deputy Brannon had his flashlight on Ortega. The residence had bright lights and backlit Ortega. Deputy Brannon saw something in Ortega's hand. Deputy Brannon yelled out, "Hey, he has something in his right hand." Ortega started coming down the driveway. Deputy Brannon saw there was a pointed object in Ortega's hand. Deputy Brannon estimated the object was four to six inches in length with a pointed end. Ortega was holding the object above his shoulder. Deputy Brannon initially thought Ortega was holding a screwdriver. Ortega started to run down the driveway. Deputy Brannon told Ortega, "Hey, what's in your hand? Let me see your hand!" When Ortega reached where the driveway and sidewalk met, Ortega sprinted straight toward Deputy Brown.

Deputy Brannon had his duty weapon drawn. Deputy Brannon was afraid if Ortega made it to Deputy Brown, Ortega would stab Deputy Brown, resulting in serious bodily injury or death. Although Deputy Brown was wearing body armor, Deputy Brannon knew it was not capable of defeating stabbing or sharp instruments. Deputy Brannon fired three times at Ortega. Deputy Brannon estimated Ortega was ten yards away when he started shooting. Deputy Brannon estimated Ortega was five yards or closer to Deputy Brown when Deputy Brannon stopped shooting. Deputy Brannon stopped firing when he saw Deputy Brown in his peripheral vision. Ortega dropped, face first, right at Deputy Brown's feet.

After the shooting, Deputy Brannon pointed his gun at Ortega in case Ortega got up. Deputy Brown gave Ortega verbal commands to get rid of whatever was in his hands. Deputy Brannon asked Deputy Brown what Ortega was holding. Deputy Brown responded, "It's either a knife or a stick." Deputy Brannon told Ortega they wanted to help him but he needed to move whatever was in his hand away from his body. Ortega was moaning but not moving. Deputies approached Ortega and handcuffed him. Sergeant Bustamante started to render medical aid to Ortega. During this time, Deputy Brannon heard Ortega say, "Just kill me, kill me." Fire department personnel and paramedics arrived at the scene. Ortega was transported to the hospital.

On March 14, 2025, **Deputy Lionel Brown**³ was interviewed by Detective Antonio Alcalá and Detective Brandon Becker.

On February 18, 2025, **Deputy Lionel Brown**, from the San Bernardino County Sheriff's Department Highland Station was assigned to patrol. Deputy Brown was in uniform and driving a marked patrol vehicle. Deputy Brown was at a call when he heard dispatch advise there was an unwanted subject in the area of **** Seine Avenue. The reporting party indicated he was armed and inside the residence. The unwanted person was speaking Spanish. Deputy Brown responded to the call with Sergeant Bustamante. On his way to the location, Deputy Brown saw an update on the computer in his patrol vehicle that the subject had left the area. The subject was described as a Hispanic male, twenty one to twenty three years of age, wearing a white and black flannel shirt and tan pants.

Deputy Brown looked for the subject as he drove but did not see him. Deputy Brown proceeded to go to the incident location. Deputy Brown parked his patrol vehicle away from the residence. Deputy Brown radioed dispatch and asked them to have the reporting party step outside of the house without his firearm. Deputy Brown heard a commotion at the front door of the home. Deputy Brown heard the reporting party say, "there he is" and then Deputy Brown heard another word yelled out possibly in Spanish or another language.

Deputy Brown exited his patrol vehicle and walked toward the residence. Deputy Brown saw a subject, later identified as Luis Angel Sanchez Ortega, with something in his right hand. Deputy Brown estimated Ortega was twelve to fifteen feet away. Ortega was backlit from the lighting from the residence. Ortega was holding the object up in the air, behind his head. Deputy Brown was concerned he was not able to see Ortega fully. Deputy Brown did not know what the object was in Ortega's hand. Deputy Brown used his flashlight and saw the object in Ortega's hand appeared to be a sharp object. Ortega was shouting something.

Deputy Brown gave Ortega verbal commands to "put it down" as Ortega started moving towards him. Ortega did not comply with those commands. When Ortega reached the end of the driveway he had the object above his head. Ortega was holding the object above his head like he had a knife or small machete. Ortega then sprinted directly towards Deputy Brown. Deputy Brown estimated Ortega was six feet away from him at that time. Deputy Brown believed Ortega was holding a dangerous weapon that would cause great bodily injury or death.

Deputy Brown drew his firearm and fired his duty weapon. Ortega continued to advance towards Deputy Brown. Deputy Brown believed Ortega was going to try to kill him. Deputy Brown fired several more rounds while he tried to retreat. Deputy Brown heard Deputy Brannon and Sergeant Bustamante shooting as he was firing. Deputy Brown fired a total of seven rounds. Deputy Brown indicated Ortega was sprinting faster than Deputy Brown

³ Deputy Brown was equipped with a body worn camera that was recording during the incident under review. Deputy Brown reviewed the recording prior to being interviewed.

was able to retreat. Ortega fell to the ground. It appeared to Deputy Brown that Ortega had a knife or a stick. Ortega was moving while on the ground. Deputy Brown told Ortega to stop moving and push whatever was in his hand away from his body. Deputies approached Ortega and handcuffed him. They started to render medical aid to Ortega. During this time, Ortega told the deputies to kill him. Fire department personnel and paramedics arrived at the scene. Ortega was transported to the hospital.

On March 14, 2025, **Sergeant Adrian Bustamante**⁴ was interviewed by Detective Antonio Alcalá and Detective Levi Kerr.

On February 18, 2025, Sergeant Adrian Bustamante, from the San Bernardino County Sheriff's Department Highland Station, was in uniform and driving a marked patrol vehicle. Sergeant Bustamante was checking on his deputies when he heard a call go out for an unwanted subject at a residence on Seine Avenue. The reporting party indicated someone was at his front door. Sergeant Bustamante went with Deputy Brown who had asked for the call. Dispatch advised the reporting party was armed with a gun. As he got closer to the location, there was an update that the subject had left the area. Sergeant Bustamante started canvassing the area as he drove up to the residence but did not see anyone matching the subject's description.

When he arrived, Sergeant Bustamante parked in the cul-de-sac and exited his patrol vehicle. Deputy Brown and Deputy Brannon also parked in the cul-de-sac and got out of their patrol vehicles. Sergeant Bustamante started walking toward the residence. Sergeant Bustamante heard the reporting party say, "He's right here on my porch." Sergeant Bustamante heard a male subject, later identified as Luis Angel Sanchez Ortega say, "Yes, I am. Yes, I am. I'm here. Shoot me. I'm tired of this life." There were vehicles parked in the driveway which blocked Sergeant Bustamante's view of Ortega.

Sergeant Bustamante saw Ortega start walking down the driveway of the residence. Ortega was holding up a long linear object in his right hand. Sergeant Bustamante believed the object was possibly a screwdriver, a long piece of rebar, or some sort of blade. At that time, Sergeant Bustamante was approximately twenty to thirty feet west of Ortega. Based on Ortega's body language, Sergeant Bustamante believed Ortega wanted the deputies to see he had something in his hand that was a potential threat.

Ortega started walking at a fast pace down the driveway. Sergeant Bustamante heard Deputy Brannon say, "He's got something in his hand." Sergeant Bustamante tried to illuminate Ortega with his flashlight. Ortega was holding an object just above his head. It appeared to Sergeant Bustamante that Ortega wanted the deputies to see there was something in his hand. Ortega continued moving at a fast pace down the driveway. Ortega's pace got quicker as if he were going to start sprinting. When Ortega reached the end of the driveway, he ran directly toward Deputy Brown. Ortega brought the object down toward his right hip as he started moving his arms in a running position. Sergeant

⁴ Sergeant Bustamante was equipped with a body worn camera that was recording during the incident under review.

Bustamante indicated Ortega was still holding the object in his hand as Ortega sprinted toward Deputy Brown. Sergeant Bustamante heard Deputy Brannon yell out, "Drop what's in your hand." Sergeant Bustamante also heard Deputy Brown yell out something similar. Ortega did not comply with their commands.

Sergeant Bustamante had already drawn his firearm when he saw the object in Ortega's hand. Sergeant Bustamante pointed his weapon at Ortega when Ortega reached the end of the driveway. Sergeant Bustamante estimated Ortega was within fifteen feet of Deputy Brown when Ortega reached the asphalt. When Sergeant Bustamante saw Ortega fixated on Deputy Brown and running in a full sprint, Sergeant Bustamante feared Ortega was going to hurt Deputy Brown with the object in his hand. Sergeant Bustamante fired four rounds at Ortega. As Sergeant Bustamante was firing, he heard gunshots coming from his right and left. Sergeant Bustamante believed Deputy Brannon and Deputy Brown had also fired their firearms. Sergeant Bustamante indicated he fired his first shot when he was ten to fifteen feet away from Ortega.

After Sergeant Bustamante stopped shooting, Ortega fell to the ground. Sergeant Bustamante heard Deputy Brannon put out over the radio that shots were fired. Deputy Brannon gave Ortega commands not to reach for the weapon. Sergeant Bustamante also heard Deputy Brown give verbal commands to Ortega. During this time, Sergeant Bustamante told Ortega to "drop it." There was no response from Ortega.

The deputies approached Ortega to handcuff him. Sergeant Bustamante saw a stick, on the ground, next to Ortega's right hand. Sergeant Bustamante started to render medical aid to Ortega. Fire department personnel and paramedics arrived at the scene. Ortega was transported to the hospital.

STATEMENTS BY CIVILIAN WITNESSES

On February 19, 2025, at around 2:34 in the morning, **Luis Angel Sanchez Ortega** was interviewed by Detective Antonio Alcala at the hospital.⁵ Deputy Ryan Garcia was present during the interview. Prior to the interview, Detective Alcala advised Ortega of his Miranda rights. Ortega indicated he understood his rights and was willing to speak to Detective Alcala without an attorney.

Ortega indicated he lived in San Bernardino with his wife and four children. When asked about what occurred with the deputies, Ortega told Detective Alcala he tried to take his life because of personal problems. On February 17, 2025, during the evening, Ortega snorted three lines of methamphetamine. On February 18, 2025, during the morning hours, Ortega said he snorted three additional lines of methamphetamine. Ortega did not know where

⁵ Detective Alcala conducted the interview in Spanish and translated the interview to English for his report. This is a summary of Detective Alcala's report.

he was when the deputies contacted him. Ortega recalled he had a stick, which Ortega said looked like a metal hook.

Ortega said he knew he was not going to do anything to the deputies with the stick. Ortega advanced toward the deputies because he knew the deputies' reaction would be to fire at him. Ortega was unsure whether he was holding the stick in his right or left hand. Ortega stated he knew they were deputies because they drove marked patrol vehicles. Ortega wanted the police to shoot him because he wanted the deputies to kill him. Ortega heard one deputy tell him not to approach or he would shoot Ortega. Ortega indicated the deputy gave the commands in English, but stated he understood English. Ortega then requested to speak with an attorney and Detective Alcalá concluded the interview.

On February 19, 2025, **Witness #1** was interviewed by Detective Levi Karr.

On February 18, 2025, **Witness #1** lived with his wife Witness #2 at their residence located at **** Seine Avenue in the City of Highland. On that date, during the evening, Witness #1 was inside his house watching television. Witness #2 told Witness #1 she thought there was someone outside of their house. Witness #1 heard his dogs barking and went to the front door to check his property.

Witness #1 opened the front door and stood behind the closed, locked security screen. Witness #1 saw a male subject, later identified as Ortega, on his porch. Ortega was holding a long, pointed object in his right hand. Ortega was moving the object in and out of his front jacket pocket but Witness #1 was unable to see what specifically the item was. Witness #1 told Ortega to get off of his property. Ortega refused to leave. Ortega told Witness #1, "Go back in, they're going to come after you too." Based on Ortega's movements and speech, Witness #1 believed Ortega was under the influence of drugs. Ortega spoke in Spanish and broken English and appeared paranoid.

Ortega walked to the front door and tried to open the security screen. Witness #1 believed Ortega was trying to enter his residence. Witness #1 retrieved his firearm. Ortega continued to refuse to leave the property. Witness #1's wife told him to call the police. Witness #1 called 9-1-1 on his cell phone. Witness #1 warned Ortega that he had a firearm and told Ortega he needed to go. Ortega responded, "Just shoot me then! Shoot me then!" Witness #1 told Ortega he did not want to shoot him and he wanted Ortega to get off his property. Witness #1 closed the door and did not speak to Ortega again. Ortega paced around Witness #1's front porch.

Less than five minutes later, Witness #1 saw several patrol vehicles drive west on Pacific Avenue. Witness #1 believed the patrol cars were responding to his call for service. Witness #1 unloaded his firearm and put it away. He opened the front door to flag down the deputies and point them toward Ortega. When he opened the door, Ortega ran from the north side of the porch toward the front door. Witness #1 quickly closed the front door again to stop Ortega from entering the house.

Witness #1 looked through the front windows of his residence. Witness #1 saw three marked San Bernardino County Sheriff's Department patrol vehicles in the cul-de-sac in front of his house. Witness #1 yelled to the deputies, "He's on my porch, he's up here!" Ortega responded, "Oh, the police are here!" Witness #1 said Ortega opened that gate that led from the porch to the driveway and ran toward the street in a full sprint. Witness #1 could not see Ortega's hands as Ortega ran. Witness #1's view of Ortega was then blocked by his fence and the vehicles parked in his driveway.

Witness #1 heard a male deputy say in a loud voice, "Get on the ground." Witness #1 heard other commands but did not recall what was said. Ortega did not get on the ground. Witness #1 did not know whether Ortega said anything back to the deputies. Witness #1 heard approximately five gunshots. Although Witness #1 was unsure who fired, he believed it may have been the deputies because he saw muzzle flashes toward his residence. After the shooting, Witness #1s heard the deputies tell Ortega to either "Get your hands out of your pocket," or "Get them out from underneath you." Witness #1 saw deputies render medical aid to Ortega until an ambulance arrived.

On February 19, 2025, **Witness #2** was interviewed by Detective Levi Kerr.

On February 18, 2025, **Witness #2** lived with her husband Witness #1 at their residence located at **** Seine Avenue in the City of Highland. On that date, during the evening, Witness #2 and Witness #1 were watching television in their home. Witness #2 told Witness #1 she heard the gate surrounding their front porch rattle and believed someone was on their porch. Witness #2 also heard their dogs barking outside. When Witness #1 opened the front door Witness #2 saw a male subject, later identified as Luis Angel Sanchez Ortega, on the top step of the front porch. Ortega was just outside their front door.

Witness #2 saw Ortega manipulating an object in his sweatshirt pocket with his right hand. Witness #1 told Ortega to get off his property but Ortega refused to leave. Witness #1 retrieved his firearm from inside the residence. Witness #2 moved further back inside of the house. Witness #1 told Ortega to leave and warned Ortega that he had a firearm. Witness #1 told Ortega if he tried to go inside of the house he was going to get shot. Ortega responded, "Shoot me if you want! Shoot me if you want!" Witness #1 again told Ortega to get off his property. Witness #2 told Witness #1 to call 9-1-1 which he did. While Witness #2 and Witness #1 waited for deputies to arrive, Ortega left and returned to the property several times.

Less than five minutes later, Witness #2 looked outside and saw San Bernardino County Sheriff's Department patrol vehicles parked in the cul-de-sac in front of their residence. Witness #1 opened the front door and yelled at the deputies that Ortega was on their porch. Witness #2 saw Ortega open the porch gate and Ortega walked to the driveway. Ortega still had the unknown object in his hand. Ortega looked toward the deputies and said, "It's the cops." Witness #2 then saw Ortega run down the driveway toward the deputies. Witness #2's view of Ortega became blocked by the vehicles they had parked in their driveway. A few seconds later, Witness #2 hear four or five gunshots. Witness #2 did not

know if the gunshots were fired by Ortega or by the deputies. Witness #2 heard the deputies give Ortega verbal commands. Witness #2 could not recall what the deputies said to Ortega. Then deputies told Ortega they were going to help him. Witness #2 heard medical personnel arrive. Witness #2 went back inside her residence before she saw anyone render aid to Ortega.

INCIDENT VIDEO

AXON VIDEO RECORDINGS.⁶ Deputy Brown, Deputy Brannon, and Sergeant Bustamante were equipped with body worn cameras on the date of the incident under review. The body worn cameras were activated and recording at the time of the lethal force encounter. Axon body worn cameras have a standard thirty second delay before audio on the recordings can be heard.

Deputy Brown

Deputy Brown was driving his patrol vehicle. Deputy Brown stopped his vehicle and got on the radio. Deputy Brown told dispatch to have the reporting party to step outside without his weapon. Deputy Brown exited his patrol vehicle. Witness #1 yelled, "Hey, right here on my porch." Ortega said, "Yes, I am." Ortega stood in the driveway of Witness #1's residence with his hands over his head.

Ortega said, "Hey, hey, I'm tired of this life. Shoot me. [Inaudible]." Ortega walked toward Deputy Brown, Deputy Brannon, and Sergeant Bustamante. As Ortega walked, he held his right hand above his head and moved it back and forth. Deputy Brannon said, "Hey, he's got something in his right hand." Deputy Brown told Ortega, "Hey, drop what's in your hand." Deputy Brannon asked Ortega, "What's in your hand?" Deputy Brown drew his firearm and told Ortega, "Drop what's in your hand."

Deputy Brown said, "Drop what's in your..." As Deputy Brown spoke, Ortega sprinted directly at Deputy Brown. Deputy Brown lifted his firearm and pointed it toward Ortega. Deputy Brown fired seven rounds at Ortega. Ortega fell to the ground. Deputy Brown told Ortega multiple times, "Drop what's in your hand." Sergeant Bustamante asked Deputy Brown what Ortega had. Deputy Brown responded, "I think it's gonna be a knife or a stick."

Deputy Brannon

Deputy Brannon was holding up a flashlight and walking toward a residence. Witness #1 yelled, "Hey, right here on my porch." Ortega said, "Yes, I am." Ortega stood in the

⁶ The summaries of the body worn camera video recordings will only cover from the start of the recording through the lethal force encounter.

driveway of Witness #1's residence and held his hands over his head. Ortega said, "Hey, hey, I'm tired of this life. Shoot me. [Inaudible]." Ortega walked toward Deputy Brown, Deputy Brannon, and Sergeant Bustamante. Deputy Brannon said, "Hey, he's got something in his right hand." Deputy Brown told Ortega, "Hey, drop what's in your hand." Deputy Brannon pointed his firearm at Ortega and asked, "What's in your hand?" Deputy Brown told Ortega, "Drop what's in your hand." Deputy Brown said, "Drop what's in your..." As Deputy Brown spoke, Ortega sprinted directly at Deputy Brown. Deputy Brannon fired three rounds at Ortega. Ortega fell to the ground. Deputy Brown broadcasted over the radio, "13 Paul 11, we're gonna have shots fired." Deputy Brown told Ortega multiple times, "Drop what's in your hand." Sergeant Bustamante said, "Drop it." Sergeant Bustamante asked Deputy Brown what Ortega had. Deputy Brown responded, "I think it's gonna be a knife or a stick."

Sergeant Bustamante

Sergeant Bustamante was driving his patrol vehicle. Sergeant Bustamante parked and got out of his vehicle. He walked with Deputy Brown and Deputy Brannon toward a residence. Witness #1 yelled, "Hey, right here on my porch." Sergeant Bustamante turned on his flashlight and pointed it at Ortega. Ortega stood in the driveway of Witness #1's residence and held his hands over his head. Ortega said, "Hey, hey, I'm tired of this life. Shoot me. [Inaudible]." Ortega walked toward Deputy Brown, Deputy Brannon, and Sergeant Bustamante.

Deputy Brown said, "Hey, drop what's in your hand." Deputy Brannon asked Ortega, "What's in your hand?" Sergeant Bustamante drew his firearm and pointed it at Ortega. Deputy Brown told Ortega, "Drop what's in your hand." As Sergeant Bustamante drew his firearm from the holster, Ortega sprinted toward Deputy Brown. Sergeant Bustamante told Ortega, "Drop it!" Sergeant Bustamante then fired four rounds at Ortega. Ortega fell to the ground. Deputy Brannon broadcasted over the radio, "13 Paul 11, we're gonna have shots fired." Deputy Brown told Ortega multiple times, "Drop what's in your hand." Sergeant Bustamante asked Deputy Brown what Ortega had. Deputy Brown responded, "I think it's gonna be a knife or a stick."

RESIDENCE VIDEO CAMERA RECORDING.⁷ There was video camera recording of the incident taken from the residence at **** Seine Avenue. There was no audio on the recording. The recording showed a portion of the lethal force encounter.

Three marked patrol vehicles entered the camera view. The patrol vehicles parked in the cul-de-sac. The deputies exited their patrol vehicles and started walking toward a residence. A motion activated security light turned on as Ortega walked past the front door of the residence. Ortega walked near the top of the driveway with his arms above his head.

⁷ The summary of the residence video recording will only cover from the start of the recording through the occurrence of the lethal force encounter.

Ortega moved his hands in a back and forth motion. Ortega started walking down the driveway toward the deputies. Ortega continued moving his right arm, above his head, in a back and forth motion. The deputies were in the cul-de-sac. When Ortega neared the end of the driveway, he sprinted toward Deputy Brown. Deputy Brown and Deputy Brannon both fired their weapons. Sergeant Bustamante appeared to be behind one of the patrol vehicles. Ortega fell to the ground.

WEAPON

A wooden stick, over nine inches in length, was located on the street near medical equipment and bloodstains.



INJURIES

Witness #3 from Loma Linda Medical Center treated Ortega when he first arrived at the hospital. Ortega was examined by medical staff. Medical staff observed the following injuries during the initial examination: a scalp laceration, a gunshot wound to the right posterior chest, two gunshot wounds to the right elbow area, and two gunshot wounds in the left lower thigh above the knee. Ortega was admitted to the hospital on February 18, 2025, and discharged on March 3, 2025.

TOXICOLOGY. Blood sample was collected from Luis Angel Sanchez Ortega on February 19, 2025.

Toxicology results for the chest blood sample were listed as follows:

- Amphetamines – Detected

- Methamphetamine – 56 ng/mL
- Amphetamine – 5 ng/mL
- Benzodiazepines – Detected
- Midazolam – less than 5 ng/mL
- Acetone – less than 10.0 mg/dL

CRIMINAL HISTORY. No known criminal history.

DE-ESCALATION

The time between when Deputy Brown, Deputy Brannon, and Sergeant Bustamante arrived at the location and when the lethal force encounter occurred was around three minutes. In that short time frame, there were efforts to de-escalate the situation with verbal commands. Deputy Brown and Deputy Brannon both ordered Ortega to drop what he was holding in his hand. The deputies also attempted to de-escalate by maintaining some distance between themselves and Ortega. However, Ortega refused to comply with the deputies' verbal commands and continued to advance toward the deputies. There was no indication from Ortega that he was going to cooperate with the deputies.

APPLICABLE LEGAL PRINCIPLES

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 C. §835a(b).)⁸ Should an arresting officer encounter resistance, actual or threatened, he need not retreat from his effort and maintains his right to self-defense. (Penal C. §835a(d).) An officer may use objectively reasonable force to effect an arrest, prevent escape or overcome resistance. (Penal C. §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 C. §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.)

⁸ All references to code sections here pertain to the California Penal Code.

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

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 §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 C. §835a(c)(1).) Discharge of a firearm is “deadly force.” (Penal C. §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 C. §835a(e)(3).) A peace officer need not retreat or desist from efforts to arrest a resistant arrestee. (Penal C. §834a(d).) A peace officer is neither deemed the aggressor in this instance, nor does he lose the right of self-defense by the use of objectively reasonable force to effect the arrest, prevent escape or overcome resistance. (*Id.*)

While the appearance of these principals was new to section 835a in 2020,⁹ 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. (*Martinez 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.

⁹ Assem. Bill No. 392 (2019-2020 Reg. Sess.) approved by the Governor, August 19, 2019. [Hereinafter “AB-392”]

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 C. §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. (*Id.*) Second, deadly force cannot be used against a person who only poses a danger to themselves. (Penal C. §835a(c)(2).)

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, lawfulness and consistency with agency policies;¹⁰
- (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

¹⁰ Penal C. §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 C. §835a(a)(3).

instance of fatal encounters with law enforcement, therefore.

(Penal C. §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 §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:

- (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 more recently 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 C. §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. (*Id.*)

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. (*Id.*) 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.)¹¹ 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.*)

¹¹ The legislative findings included in Penal C. 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.

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 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.” (*Martinez 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.)

NON-LETHAL FORCE. This does not suggest that anything *less than* deadly force requires no justification. "[A]ll force—lethal and non-lethal—must be justified by the need for the specific level of force employed." (*Bryan v. MacPherson* (9th Cir. 2010) 630 F.3d 805, 825, citing *Graham v. Connor* (1989)] 490 U.S. [386], 395.) The *Graham* balancing test, as described *supra*, is used to evaluate the reasonableness of lethal and non-lethal force, alike. (*Deorle v. Rutherford* (9th Cir. 2001) 272 F.3d 1272, 1282-83.)

Use of a Taser or a shotgun-fired bean bag has been categorized as intermediate non-lethal force. (*Bryan v. MacPherson*, *supra*, 630 F.3d at 825 [Taser]; *Deorle v. Rutherford*, *supra*, 272 F.3d at 1279-80 [bean bag].) This designation exists despite the fact that such force is *capable* of being used in a manner causing death. (*Id.*) To be deemed "lethal force" the instrumentality must be force that "creates a substantial risk of death or serious bodily injury." (*Smith v. City of Hemet* (9th Cir. 2005) 394 F.3d 689, 693.); use of a Taser or shotgun-fired bean bag both fall short of this definition. (*Bryan v. MacPherson*, *supra*, 630 F.3d at 825; *Deorle v. Rutherford*, *supra*, 272 F.3d at 1279-80.) Similarly, the use of a trained police dog does not qualify as "deadly force" as it too has fallen short of the lethal force definition set forth in *Smith*. (*Thompson v. County of Los Angeles* (2006) 142 Cal.App.4th 154, 165-169.)

Beyond the traditional *Graham* factors, and particularly in the use of non-lethal force, the failure of officers to give a warning and the subject's mental infirmity can also be considered when assessing the totality of the circumstances. (*Bryan v. MacPherson*, *supra*, 630 F.3d at 831; *Deorle v. Rutherford*, *supra*, 270 F.3d at 1283-84.) Failure to pass-muster under *Graham* can deem the use of non-lethal force as "excessive" and therefore violate the Fourth Amendment. (*Id.*) On the other hand, active resistance could justify multiple applications of non-lethal force to gain compliance and would not be deemed "excessive" nor violate the Fourth Amendment. (*Sanders v. City of Fresno* (9th Cir. 2008) 551 F.Supp.2d 1149, 1182 [not excessive to use physical force and tase an unarmed but actively resisting subject with 14 Taser cycles where such was needed to gain physical control of him].)

ANALYSIS

In this case, Deputy Brown, Deputy Brannon, and Sergeant Bustamante each had an honest and objectively reasonable belief that Ortega posed an imminent risk of serious bodily injury or death. It was around 9:51 in the evening when Witness #1 called 9-1-1 to report Ortega was refusing to leave his property. Deputy Brown, Deputy Brannon, and Sergeant Bustamante responded to the call for service. They were all in uniform and driving marked patrol vehicles which identified them as law enforcement officers. When the deputies arrived at the location, they parked their patrol vehicles in the cul-de-sac and made their way toward Witness #1's residence.

Witness #1 yelled out to the deputies that Ortega was on his porch. Ortega was standing in the driveway of the residence with his hands held above his head. Ortega was holding an unknown object in his right hand. The object was long and pointed. It was later determined the object was a wooden stick. The lighting made it difficult to see what exactly was in Ortega's hand. Ortega walked between the vehicles in the driveway toward the deputies. Ortega told the deputies, "Hey, hey, I'm tired of this life. Shoot me." Deputy Brown ordered Ortega to drop what was in his hands. Deputy Brannon asked Ortega, "What's in your hand?" Ortega refused to drop what was in his hand and continued to advance toward the deputies. When Ortega reached the end of the driveway he sprinted directly toward Deputy Brown.

Deputy Brown estimated Ortega was six feet away when Ortega started running at him. Deputy Brown believed Ortega was going to try to kill him and fired seven rounds at Ortega. Ortega was sprinting faster than Deputy Brown could retreat. Given the manner in which Ortega was holding the object above his head, Deputy Brown reasonably believed that Ortega may be holding a small knife or machete. Ortega's refusal to comply with verbal commands to drop what was in his hand caused Deputy Brown to reasonably fear for his physical safety. Ortega posed an imminent threat by sprinting toward Deputy Brown. Deputy Brown's honest belief that Ortega intended to inflict serious bodily injury or death was objectively reasonable.

Deputy Brannon observed Ortega sprint straight toward Deputy Brown, "like a sprinter coming out of a sprinting block." Deputy Brannon initially thought the object in Ortega's hand was a screwdriver. Deputy Brannon feared Ortega would stab Deputy Brown if he reached him, resulting in Deputy Brown suffering serious bodily injury or death. Deputy Brannon fired three rounds at Ortega. Deputy Brannon's honest belief that Ortega posed an imminent threat to Deputy Brown's physical safety was objectively reasonable.

Sergeant Bustamante thought the object in Ortega's hand was a screwdriver, long piece of rebar, or some sort of blade. It was difficult for Sergeant Bustamante to see Ortega. When Ortega ran in a full sprint toward Deputy Brown, Sergeant Bustamante saw Ortega still had the object in his hand. Sergeant Bustamante feared Ortega was going to assault Deputy Brown. Sergeant Bustamante fired four rounds at Ortega. Sergeant Bustamante's honest belief that Ortega intended to harm Deputy Brown was objectively reasonable. Ortega said, "I'm here. Shoot me. I'm tired of this life." Ortega held the object up over his

head where deputies could see it and Ortega refused to comply with verbal commands to drop the object. It was not unreasonable for Sergeant Bustamante to think there was going to be some sort of conflict.

It is important to note what Ortega said during his interview about the incident under review. When Ortega was asked what occurred with the deputies, Ortega said he tried to take his own life because of personal problems. Ortega recalled he was holding a stick that looked like a metal hook. Ortega indicated he was not going to do anything to deputies with the stick. Ortega also stated he advanced toward the deputies because he knew their reaction would be to shoot him. Ortega wanted the deputies to shoot him because he wanted the deputies to kill him.

From the time when the deputies arrived at the location to the time when Deputy Brannon broadcasted "shots fired" over the radio was approximately three minutes. As Ortega made his way down the driveway, Ortega told the deputies to shoot him. The manner in which Ortega was holding the stick above his head combined with his refusal to drop the item, caused Deputy Brown, Deputy Brannon, and Sergeant Bustamante to reasonably believe he was armed with a weapon. When Ortega sprinted toward Deputy Brown, it was reasonable for the deputies to conclude that Ortega intended to harm Deputy Brown. It was objectively reasonable for Deputy Brown to believe he was faced with an imminent threat and needed to immediately fire his weapon in order to save his own life. Likewise, it was objectively reasonable for Deputy Brannon and Sergeant Bustamante to believe they needed to fire their weapons to prevent Ortega from seriously injuring or killing Deputy Brown. Given those circumstances, the decision by Deputy Brown, Deputy Brannon, and Sergeant Bustamante to use deadly force was justified.

CONCLUSION

Based on the facts presented in the reports and the applicable law, Deputy Gregory Brannon's use of lethal force was a proper exercise of his right of defense of others and therefore his actions were legally justified.

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

Based on the facts presented in the reports and applicable law, Sergeant Adrian Bustamante's use of lethal force was a proper exercise of his right of defense of others and therefore his actions were legally justified.

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