P U B L I C I N F O R M A T I O N R E L E A S E
M E M O R A N D U M

DATE:	September 30, 2026
SUBJECT:	**Officer Involved Shooting (Non-Fatal)**
Officers:	**Deputy Jose Guzman** **San Bernardino County Sheriff's Department**
Involved Subject:	**Elijah Cawthon Brown (Injured)** **Date of Birth **/**/****
Date of Incident:	**February 24, 2025**
Incident location:	***** Central Road** **Apple Valley, CA**
DA STAR #:	**2026-7227**
Investigating Agency:	**San Bernardino County Sheriff's Department**
Case Agent:	**Detective Nicholas Paslak**
Report Number #:	**DR# 072500673 / H# 2025-017**

PREAMBLE

This was a non-fatal officer involved shooting by a deputy 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# 072500673 / H# 2025-017.

FACTUAL SUMMARY

On February 24, 2025, at around 9:32 in the evening, Witness #1[1] called 9-1-1 to report a suspicious person was outside trying to come into her home. She stated the address was ***** Central Road in the City of Apple Valley. Witness #1 described the suspicious person as a black male wearing black clothing. Witness #1 stated she did not know whether the subject was in the front or back of the residence and that a back window was broken. At the direction of the dispatcher, Witness #1 went into a bedroom with three of her children, Witness #2, Witness #3, and Witness #4.[2] Witness #1's other son, Elijah Brown, stayed in his own room.

Deputy Jose Guzman and Deputy Jasmine Reynoso, from the San Bernardino County Sheriff's Department, responded to the call for service. Deputy Guzman and Deputy Reynoso wore uniforms which identified them as law enforcement officers. When they arrived, Deputy Guzman pulled their marked patrol vehicle in the dirt extension of the driveway. Deputy Guzman observed a black male adult wearing black clothing near the front of the residence. Deputy Guzman and Deputy Reynoso contacted the subject, later identified as Witness #5,[3] who told the deputies he lived at the location with his wife and children. Deputy Reynoso obtained Witness #5's driver's license and requested over the radio for dispatch to run a records check.

During that time, Deputy Guzman walked to the front door, rang the Google Nest doorbell, and moved near a pillar to wait for a response. There was no answer from anyone inside of the residence. Deputy Guzman used his radio to ask the dispatcher to contact the reporting party and ask her to come outside. When there was still no response from anyone inside the residence, Deputy Guzman went and knocked on the metal security door. Deputy Guzman announced, "Sheriff's Department" and rang the doorbell again.

Approximately twenty seconds later, the front door opened. Witness #1 unlocked the metal security screen door. Witness #4 and Witness #3 stood behind Witness #1. Deputy Guzman heard one of the three individuals say, "He's coming, he's coming." The family appeared scared. After Witness #1 unlocked the metal security screen door, Witness #4 and Witness #3 pushed past Witness #1. Witness #1, Witness #4, and Witness #3 rushed out of the house. They appeared scared and ran past Deputy Guzman.

Given the nature of the call for service and the manner in which the family exited the house, Deputy Guzman feared an unknown subject was inside of the residence. Deputy Guzman removed his duty weapon from his holster. Deputy Guzman observed a subject, later identified as Elijah Brown, inside of the residence and moving toward the front door. Brown

[1] Witness #1 shares the same last name as Elijah Brown. Therefore, she will be referred to by her first name throughout the memorandum.
[2] Witness #2, Witness #3, and Witness #4 Brown share the same last name as Elijah Brown. Therefore, they will be referred to by their first names throughout the memorandum.
[3] Witness #5 shares the same last name as Elijah Brown. Therefore, he will be referred to by his first name throughout the memorandum.

was wearing blue jeans and a black tank top. Brown was holding a large kitchen knife in his right hand, near his waistline.

Deputy Guzman held his handgun in front of him with his arms extended forward. Deputy Guzman also held a flashlight in his left hand. Deputy Guzman feared for his life as well as the lives of the three people who fled from the residence. Deputy Guzman believed Brown would kill him and/or kill the three individuals. Deputy Guzman yelled, "Hey!" and fired three gunshots at Brown. Deputy Guzman estimated Brown was fifteen feet away when he fired his duty weapon. After the shooting, Brown fell to the ground outside of the front door.

Deputy Guzman attempted to report "shots fired" over his radio when he was knocked to the ground by Witness #5. Witness #5 and Witness #2 helped Brown to his feet. Witness #5 and Witness #2 escorted Brown to the driveway where Brown collapsed. Deputy Guzman and Deputy Reynoso started to render medical aid to Brown. Additional deputies and medical personnel arrived at the scene.

Brown was transported to the hospital. Brown was treated at a hospital. Witness #6 was assigned to the emergency department on February 24, 2025. Witness #6 identified two gunshot wounds to Brown's left upper chest and one gunshot wound below Brown's belly button. Brown was taken to an operating room and surgery was performed. During surgery, Brown was found to have an injury to his bladder. The surgeon told Witness #6 that there were no internal organs damaged from the gunshot wounds to Brown's chest. Witness #6 indicated that Brown was expected to survive and recover from his injuries.

A large, bloodstained Kitchen Aid knife was located at the scene. The knife blade was approximately eight inches long. The black handle was approximately four inches long.

STATEMENTS BY POLICE OFFICERS

On April 9, 2025, **Deputy Jose Guzman** was interviewed by Detective Nicholas Paslak and Detective Eduardo Badillo.[4]

On February 24, 2025, **Deputy Jose Guzman**, from the San Bernardino County Sheriff's Department was assigned to patrol at the Victor Valley station. Deputy Guzman had a trainee, Deputy Jasmine Reynoso, with him that day. Deputy Guzman was wearing a San Bernardino County Sheriff's Department Class "A" uniform and drove a marked patrol vehicle.

On that date, at around 9:36 in the evening, Deputy Guzman and Deputy Reynoso were parked along the shoulder at the intersection of Central Road and Bear Valley Road. A

[4] Deputy Guzman reviewed his body worn camera recording prior to being interviewed by Detective Paslak and Detective Badillo.

call for service came out regarding a suspicious person at a residence located at ***** Central Road. The information in the call was that someone outside was trying to get inside the house. The subject was described as a black male wearing black clothing. Deputy Guzman learned there was a reporting party who called and stated, "Can you please call the police. I'm scared." That call then became disconnected. It was unclear whether the subject or subjects were in the back or the front of the residence. There was no information whether the doors to the residence were locked. There was additional information that a window at the back of the residence was broken. There was information that there was one reporting party and four juveniles inside the house. At this time, Deputy Guzman estimated he was two minutes away from the location.

When Deputy Guzman and Deputy Reynoso arrived at the location, he observed a black male standing by the front door. There was a Dodge Charger parked in the driveway. Deputy Guzman believed he was investigating a burglary or residential robbery. Deputy Guzman parked his patrol vehicle in the driveway. Deputy Guzman called the subject, later identified as Witness #5, over to him. Deputy Guzman told Witness #5 that they had received a call at the location. Witness #5 advised Deputy Guzman that he lived at the house. Deputy Guzman told Deputy Reynoso to pat Witness #5 down for weapons, get his information, and run a records check.

Deputy Guzman started walking to the front door of the house. At that time, Deputy Guzman did not know who Witness #5 was, whether Witness #5 was the subject the reporting party was calling about, or whether there may be someone else involved. Deputy Guzman did not hear any noises coming from inside the house. Deputy Guzman noticed a video camera. He rang the doorbell and backed away approximately ten feet from the front door. Deputy Guzman was trained to stay away from "deadly zones" so he stood behind a cement pillar for his protection. There was no answer at the front of the house. Deputy Guzman asked the dispatcher to contact the reporting party and see if the reporting party could step outside.

Deputy Guzman walked back to the front door. There was a light illuminating the front porch. Unsure whether the video camera at the door was working, Deputy Guzman rang the camera again and used his flashlight to knock on the metal screen door. He then backed away and stood in the same spot behind the pillar. Deputy Guzman was concerned because he was aware one of the reporting parties indicated a call from her mother had been disconnected.[5] After a few seconds, Deputy Guzman heard a "struggling noise" that he described as the shaking of the knob. Deputy Guzman also heard heavy breathing and mumbling from inside the house. Deputy Guzman did not know why the person was struggling to open the door.

Eventually the interior door opened. Deputy Guzman estimated he was seven to ten feet away from the door when it started to open. Deputy Guzman saw shadows of people

[5] Witness #1 called her daughter, Witness #7, and advised her there was a suspicious person in all black clothing walking around Witness #1's residence. Witness #7 called 9-1-1 and reported what her mother told her.

behind the screen door. Deputy Guzman started to get scared. He believed the individuals were not displaying normal behavior. The screen door opened and three people rushed through the door. It appeared to Deputy Guzman that the individuals were scared of something that was behind them. As the individuals exited the door, one of the females said, “He’s coming, he’s coming.” Deputy Guzman reached for his duty weapon and took it out of his holster.

Deputy Guzman indicated everything happened quickly. Deputy Guzman had his flashlight pointed at the front door. The group that came out of the house moved out of Deputy Guzman’s view. Deputy Guzman then saw a male subject, later identified as Elijah Brown, walking out of the house with a knife in his right hand. The blade of the knife was pointed down to the ground. Deputy Guzman saw that Brown was wearing black clothing. Deputy Guzman described the weapon as a long knife, almost like a “machete size knife.” Deputy Guzman said Brown rushed toward him. Deputy Guzman did not know Brown nor did he know what Brown’s intentions were. The fact one of the females said, “He’s coming, he’s coming” caused Deputy Guzman to believe the group was running from Brown.

Deputy Guzman did not know if Brown was the person that broke in but he appeared to be chasing them. Deputy Guzman got scared. Deputy Guzman thought Brown was going to kill him and the three individuals that ran out of the house. Deputy Guzman estimated he was fifteen feet away when he first saw Brown with the knife. Brown was rapidly approaching him. When Brown was approximately twelve to thirteen feet away, Deputy Guzman extended his firearm and fired one shot at Brown. Brown continued to move forward so Deputy Guzman fired another shot. Brown continued to move forward. Deputy Guzman estimated there was a half second pause and then he fired his weapon a third time. Deputy Guzman indicated he was moving backward as he was firing his weapon.

After the shooting, Brown fell to the ground. Deputy Guzman no longer saw the knife in Brown’s hand. Deputy Guzman went around one of the pillars so he could inform his dispatcher that shots were fired. At that time, Deputy Guzman saw a shadow from the side rapidly approaching. When Deputy Guzman looked, he saw the shadow was Witness #5. Witness #5 pushed Deputy Guzman down and said, “Why you shoot him? Why you shoot him? Why shoot him?” or something to effect of “You just shot my son.” Deputy Guzman holstered his firearm and walked back to where Brown was. Deputy Guzman put out “shots fired” over the radio.

Deputy Guzman observed Witness #5 and an unknown subject pick up Brown and drag him to the driveway. Deputy Guzman and Deputy Reynoso started to render medical aid to Brown. Other deputies arrived at the scene and eventually helped Deputy Guzman clear the house of any other individuals.

On November 11, 2025, **Deputy Jasmine Reynoso** was interviewed by Detective Eduardo Badillo and Detective Eric Rebollar.

On February 24, 2025, **Deputy Jasmine Reynoso**, from the San Bernardino County Sheriff's Department was assigned to patrol at the Victor Valley station. Deputy Reynoso

was partnered with Deputy Jose Guzman, her field training officer. Deputy Reynoso was wearing a San Bernardino County Sheriff's Department Class "A" uniform and riding in a marked patrol vehicle.

On that date, at around 9:32 in the evening, Deputy Reynoso and Deputy Guzman heard a call for service regarding a suspicious person at a residence located at ***** Central Road in the City of Apple Valley. The reporting party indicated the suspicious person was walking around the residence. The reporting party described the individual as a black male adult in black clothing. Deputy Guzman and Deputy Reynoso responded to the call.

When they arrived at the location, Deputy Guzman parked the patrol vehicle in a dirt area between the driveway of the residence and the street. Deputy Reynoso observed a black male adult, later identified as Witness #5, wearing black clothing. Witness #5 was standing in an area near the driveway and a walkway that led to the front door. The lighting was dim. Deputy Reynoso indicated the only significant lighting came from the lights on their patrol vehicle. Deputy Reynoso and Deputy Guzman exited their patrol vehicle and approached Witness #5. Deputy Guzman explained to Witness #5 why they were at the residence. Witness #5 said he lived at the location and identified himself as the father of the household.

Deputy Reynoso conducted a search of Witness #5's person. She then obtained Witness #5's name and date of birth and requested the dispatcher run a records check. Deputy Reynoso said Witness #5 was cooperative with the deputies. Deputy Guzman left Deputy Reynoso with Witness #5 and walked to the front door of the residence to talk to the reporting party. The front door of the residence was out of Deputy Reynoso's view.

As Deputy Reynoso spoke with Witness #5, she heard two to three consecutive gunshots at the front door of the residence. Deputy Reynoso immediately advised the dispatcher that shots were fired. Deputy Reynoso could not see Deputy Guzman when she heard the gunshots. Deputy Reynoso did not witness the events that led up to the shooting. Deputy Reynoso did not have any communication with Deputy Guzman while he was at the front of house.

Deputy Reynoso drew her firearm and moved to take cover behind the patrol vehicle. Within a few seconds, Deputy Reynoso saw three juveniles run towards her from the direction of the house. The juveniles appeared frantic and yelled for help. The juveniles told Deputy Reynoso their brother was shot. Deputy Reynoso saw one of the juveniles assisting another subject, later identified as Elijah Brown, to the driveway. Brown was bleeding from a wound on his upper body. Deputy Reynoso put gloves on, retrieved the trauma kit from the patrol vehicle, and went to render medical aid to Brown. Deputy Reynoso rendered aid to Brown until additional deputies and medical personnel arrived at the scene.

STATEMENTS BY CIVILIAN WITNESSES

On February 25, 2025, **Elijah Brown** was interviewed by Detective Justin Applegate and Detective Eduardo Badillo at the hospital. Brown was awake, alert, and willing to answer questions about the incident under review.

Brown lived with family members at a residence located on Central Road in the City of Apple Valley. He lived with his mother Witness #1, his sister Witness #4, and his brothers Witness #2 and Witness #3. Brown said his father Witness #5 came and went from the house but he was unsure if he lived there. Brown did not know whether Witness #5 was present inside the house at the time of the incident.

On February 24, 2025, Brown was inside of his room. He had headphones on and was playing video games. Brown exited his room and heard Witness #1 talking on the phone with the police. Brown did not know what happened but said Witness #1 looked scared. Brown heard someone in his family say there was an unknown person outside trying to break into their house. While Witness #1 was on the phone, Brown went into the kitchen and retrieved a large kitchen knife. Brown wanted to protect his family and retrieved the knife for safety reasons. He believed the intruder could be armed with a gun or some other type of weapon. Brown never heard anyone attempt to break in and did not know who was outside of his house.

Brown did not know how long he had been holding the knife prior to the deputy's arrival. Brown and his family wanted to get out of the house once they knew the deputies were outside. Brown believed he and his family would be safe if they exited the house and contacted the deputies. Brown exited the house with the kitchen knife. Brown could not remember whether his family exited the house with him.

Brown said he was holding the handle of the knife in his right hand and the blade of the knife in his left hand. Brown indicated he was not holding the knife in a threatening manner and he did not rush toward anyone. As Brown stepped onto the front porch, Brown said he was immediately shot. Brown indicated he fell to the ground after the shooting. Brown did not hear any verbal commands from the deputy to drop the knife. Brown assumed the deputy perceived him as a threat. Brown advised he would have dropped the knife if he heard some kind of verbal command. Brown could not recall how many times he was shot.

After Brown fell to the ground, his family members and unknown deputies rendered medical aid to him. Brown believed he saw both a female and a male deputy helping him. According to Brown, the deputies tried to save him. The deputies removed Brown's clothing and tried to help him by "keeping his wounds shut." Brown said a helicopter arrived at his residence and he was flown to a hospital. While at the hospital, a nurse informed Brown he had been shot three times. Brown pointed to his upper left chest and shoulder and said he was shot twice. Brown added he was shot once in the abdomen.

On February 27, 2025, **Witness #1** was interviewed by Detective Justin Applegate.

Witness #1 lived with her family at a residence located at ***** Central Road in the City of Apple Valley. Witness #1 lived with her husband Witness #5, her daughter Witness #4, and her three sons Witness #2, Witness #3, and Brown. Witness #1 stated Witness #5 had recently been released from prison and did not have keys to the residence. Witness #1 said she last saw Witness #5 on February 21, 2025. She did not speak with Witness #5 over the week and did not see him until he returned home unannounced during the incident under review.

On February 24, 2025, at around 9:00 in the evening, Witness #1 was asleep on the floor of the living room when she was awoken by Witness #4. Witness #4 said there was an unknown male adult wearing all black clothing outside of the residence. Witness #4 saw the male pull the front door handle and walk near the front windows of the house. Witness #4 did not know whether the unknown male was trying to look in the windows or push the windows in. According to Witness #1, she was a little disoriented from awakening abruptly and panicked. Witness #1 called her daughter, Witness #7, and reported an unknown person was outside of the residence. Witness #7 advised Witness #1 to call the police.

Witness #1 ended the phone call and immediately dialed 9-1-1. She reported to the dispatcher that an unknown person tried to break into her residence. While Witness #1 was on the phone with the dispatcher, she heard someone pull on the front door handle. Witness #2 told her to lower her voice because he believed the unknown person was near his front window. Witness #1 asked for deputies to respond as soon as possible. The dispatcher told Witness #1 to gather everyone in the residence into one room together while they waited for deputies. Witness #1 got Witness #2, Witness #3, and Witness #4 and waited in Witness #2's room. Brown was in his room and unaware of what occurred.

When Brown exited his room to use the restroom, Witness #1 called him over to Witness #2's room. Witness #1 could not recall whether she told Brown that someone was trying to break in or that deputies were on their way to the residence. Witness #1 could not recall whether she instructed any of her children to arm themselves with a weapon. Witness #1 did not recall seeing any of her children with a weapon.

Witness #1 admitted she overreacted during the incident. Given where they lived and the fact she did not know who was outside, Witness #1 was scared for herself and her children. Witness #1 explained she had prior issues with people who tampered with her fence and made threats toward her family. There was a broken window inside the master bedroom that Witness #1 thought was an easy entry point for someone to break in.

At one point, the dispatcher told Witness #1 that it was safe to exit the house. Initially, Brown was behind Witness #1 when they were getting ready to leave. As Witness #1 opened the front door, she believed Witness #4 and Witness #3 pushed ahead of Brown. Brown walked out of the house shortly after the rest of the family. Witness #1 told Detective Applegate the worst mistake she made was how she panicked and how her and her family ran out of the house. Witness #1 was also upset that Witness #5 had not called anyone to let them know he returned home.

When Witness #1 exited the house she did not see a deputy at the front door. Witness #1 did not hear the deputy, later identified as Deputy Jose Guzman, announce himself or say any commands. Witness #1 heard gunshots as she ran toward the driveway of the residence. Witness #1 did not see Deputy Guzman fire his weapon. She estimated she heard three to four gunshots. When Witness #1 turned around, she saw Deputy Guzman in the grass and rock area north of the front door. Witness #1 never saw Deputy Guzman on the front porch and said Deputy Guzman stood in the dark.

After Brown was shot, Witness #1 asked a female deputy, later identified as Deputy Jasmine Reynoso, to call the paramedics. Witness #2 helped Brown to his feet and carried him to the driveway, near a vehicle. Witness #1 said Witness #2 helped Deputy Reynoso while she attempted to render medical aid to Brown. As this was going on, Witness #5 argued with Deputy Guzman near the front porch. Witness #5 was upset because Brown had been shot. Witness #1 advised there was video surveillance of the incident captured on her doorbell camera.

On February 27, 2025, **Witness #5** was interviewed by Detective Nicholas Paslak.

Witness #5 is Brown's father. Witness #5 lived with his family at a residence located at ***** Central Road in the City of Apple Valley. Witness #5 lived there with his wife Witness #1 and his children. On February 21, 2025, Witness #5 had left his residence to work with a friend. Witness #5 was gone all weekend but had telephone contact with Witness #1.

On February 24, 2025, in at around 9:22 in the evening, Witness #5 returned home unannounced. Witness #5 parked his truck south of the residence, next to the fence that separated the front and back yards. Before he went inside the house, Witness #5 checked the fence line around the back yard to ensure the dogs on the property had not dug any holes they could climb through. Witness #5 entered the back yard causing one of the dogs to bark and another dog to whine. Witness #5 checked the rear windows and the door of the house. Witness #5 exited the back yard and walked toward the front of the house. Witness #5 checked the interior of the vehicle parked near the driveway since the vehicle doors did not lock.

Witness #5 walked to the front door of the house. Witness #5 knocked two or three times and also rang the doorbell. Witness #5 said he called out for Witness #1 and his son to answer the door. Although Witness #5 lived at the residence, he did not have keys to the front door. As Witness #5 stood at the front door, a patrol vehicle pulled into the driveway. Deputy Guzman asked Witness #5 what his relation to the residence was. Witness #5 told Deputy Guzman he lived at the location with his wife and children. Deputy Guzman advised Witness #5 that he received a call that someone in all black walked around the property. Witness #5 indicated he was wearing all black clothing that night.

Deputy Reynoso conducted a records check of Witness #5 while Deputy Guzman approached the front door. As Witness #5 spoke to Deputy Reynoso, he heard a click coming from the front door. Witness #5 thought Witness #1 opened the door and was

going to tell Deputy Guzman that Witness #5 lived at the residence. Witness #5 heard two gunshots. Witness #5 and Deputy Reynoso both stepped sideways to the south and looked toward the front door of the house.

Witness #5 said Deputy Guzman was standing on the front porch, next to the pillar near the walkway, with his handgun extended in front of him. Witness #1 ran to Deputy Guzman and said, "Please, that is my son." Witness #5 ran toward Deputy Guzman and saw his son, Brown, was shot. According to Witness #5, he was panicked and possibly bumped into Deputy Guzman. Witness #5 denied that he intentionally pushed Deputy Guzman. Witness #5 said he did not see Deputy Reynoso fire her weapon. Witness #5 indicated Deputy Reynoso was focused on providing medical aid to Brown.

INCIDENT VIDEO

GOOGLE NEST DOORBELL CAMERA VIDEO RECORDINGS. There was a Google Nest video doorbell mounted on the north exterior garage wall of the residence at ***** Central Road. The video doorbell captured the front door, front porch, and a small portion of the front yard on the north side of the residence. The video recordings were from February 24, 2025. The recordings were motion activated and captured video and audio. All video recordings submitted were reviewed in their entirety. The summary will focus on those videos that captured portions of the incident under review.[6]

2025_02_25_05_37_37.mp4

00:01 video time stamp: Deputy Guzman approached the front door of the residence and rang the video doorbell. Deputy Guzman moved next to the pillar and spoke to dispatch over his handheld transceiver (HT) radio.

01:30 video time stamp: Deputy Guzman approached the front door again. Deputy Guzman knocked on the security door, announced "Sheriff's Department," and rang the video doorbell. Deputy Guzman then returned to where he was standing next to the pillar.

01:52 video time stamp: A noise could be heard from inside of the residence and the front door opened. Deputy Guzman stepped forward and pointed his flashlight at the front door. An unknown subject at the front door said, in a loud voice, "He's coming, he's coming."

01:56 video time stamp: A subject, later identified as Witness #4, exited the residence. Witness #4 pushed the security door open and ran outside. Two subjects, later identified as Witness #1 and Witness #3, followed closely behind Witness #4. Deputy Guzman unholstered his handgun and said, "Who is?" Witness #4, Witness #1, and Witness #3 ran

[6] There were video recordings that showed Witness #5 on the property prior to the arrival of the deputies. Summaries of those videos will not be included in the memorandum.

past Deputy Guzman. Deputy Guzman held his handgun in his right hand and pointed it toward the open front door.

01:58 video time stamp: Deputy Guzman extended his right hand in front of him and supported the handgun grip with his left hand. Deputy Guzman also had a flashlight in his left hand. Deputy Guzman fired three gunshots in rapid succession. A subject in a black tank top, blue jeans, and black beanie, later identified as Elijah Brown, exited the front door and fell to the ground.

02:02 video time stamp: Brown lay on the ground. Brown's lower body and waist were visible in the camera's view. Blood stains were visible on the ground near Brown's feet.

2025_02_25_05_39_42.mp4

01:01 video time stamp: Witness #5 ran toward Deputy Guzman, who stood on the rock landscape in the front yard. It appeared Witness #5 contacted Deputy Guzman, which caused Deputy Guzman to fall backwards onto the ground. Witness #5 ran and knelt down next to Brown.

00:07 video time stamp: A subject, later identified as Witness #2, exited the front door. Witness #2 assisted Brown to his feet. A large kitchen knife was visible on the ground where Brown had fallen. Witness #2 and Brown walked toward the driveway out of the camera's view.

AXON VIDEO RECORDINGS. All body worn camera video recordings submitted were reviewed in their entirety. Axon body worn cameras have a standard thirty second delay before audio on the recordings can be heard. The summaries will only cover from the start of the recording to the point of the lethal force encounter.

Deputy Jose Guzman

Deputy Guzman was equipped with a body worn camera on the date of the incident under review. The body worn camera was activated and recording during the time of the lethal force encounter.

Deputy Guzman was driving his patrol vehicle. As he pulled into the driveway of the residence, Deputy Guzman said, "We got someone at the door." Deputy Guzman exited the patrol vehicle and asked the subject, later identified as Witness #5, how he was doing. Witness #5 walked west across the walkway of the front porch towards a red Dodge Charger parked in the driveway. Deputy Guzman asked Witness #5 if he lived at the location. Witness #5 stated he lived at the location but the residence was his wife and children's house.

Witness #5 was wearing a black sweatshirt, black pants, and blue and white shoes. Deputy Guzman told Deputy Reynoso to run Witness #5's personal information over the air with the radio. Deputy Guzman left Deputy Reynoso with Witness #5.

Deputy Guzman approached the front door of the residence. Deputy Guzman rang the Google Nest video doorbell mounted on the wall south of the front door. Deputy Guzman moved away from the front door and stood next to a large stucco pillar on the north side of the front porch. Deputy Guzman told dispatch over his HT radio, "7R12, we're out with one, we're code 4, he's advising he lives at the property." Deputy Guzman asked the dispatcher to call the reporting party and ask them to step outside.

Deputy Guzman approached the front door a second time. Deputy Guzman used his flashlight to knock on the metal security door. Deputy Guzman announced, "Sheriff's Department" and rang the video doorbell a second time. Deputy Guzman then walked back toward the large stucco pillar. The front door of the residence opened. A black female adult, later identified as Witness #1, appeared to open the metal screen door. Two individuals stood behind Witness #1. An individual said, "He's coming, he's coming." A black female, later identified as Witness #4, rushed past Witness #1 and ran outside. Deputy Guzman asked, "What is it? Who is?" A black male, later identified as Witness #3, pushed past Witness #1. Witness #1, Witness #4, and Witness #3 all appeared scared. As the three rushed past him, Deputy Guzman removed his handgun.

A black male subject, later identified as Elijah Brown, was seen inside the residence. Brown was near the doorway. Brown moved toward Deputy Guzman and the group that just left the house. Brown continued to move forward. Brown's hands were positioned near his waist. Brown appeared to start running. It was unclear on the video recording whether Brown was holding anything in his hands.

Deputy Guzman held his handgun in front of him and had both arms extended forward. Deputy Guzman held a flashlight in his left hand. Deputy Guzman said, "Hey!" and fired three gunshots in rapid succession at Brown. Deputy Guzman circled around the large stucco pillar and stood at the north edge of the concrete front porch. Brown lay on the ground outside of the front door.

Deputy Guzman attempted to broadcast information over his HT radio when Witness #5 ran into Guzman. Deputy Guzman fell backwards onto the rock landscape and landed on his left side. Deputy Guzman stood up and advised dispatch, "Shots fired." Witness #5 and a subject later identified as Witness #2, helped Brown to the bottom of the driveway. Deputy Guzman requested dispatch "Start medical." Deputy Guzman initially followed behind Witness #5 and Witness #2 but then turned and walked back toward the front door. There was a large bloodstain on the ground. A large knife was observed next to the bloodstain.

Deputy Jasmine Reynoso

Deputy Reynoso was equipped with a body worn camera on the date of the incident under review. The body worn camera was activated and recording during the incident under review. The view of the front door of the residence was obstructed. As a result, only a limited portion of the lethal force encounter was captured on video.

Deputy Reynoso was seated in the passenger seat of the patrol vehicle. Deputy Guzman was driving the vehicle. Deputy Guzman pulled into the driveway of the residence. Deputy Reynoso exited the patrol vehicle. Deputy Guzman and Deputy Reynoso contacted Witness #5. Deputy Reynoso conducted a cursory search of Witness #5's person.

Deputy Reynoso spoke with Witness #5 and explained why they were at the residence. Deputy Reynoso and Witness #5 were standing to the rear of a red Dodge Charger which was parked in the driveway. Witness #5 provided Deputy Reynoso with his name and date of birth. Deputy Reynoso requested dispatch conduct a records check of Witness #5.

Deputy Guzman was visible standing near a pillar toward the front of the residence. Deputy Guzman moved from the pillar and took a step toward the front door. Deputy Guzman pointed his flashlight toward the front of the residence. A loud voice was heard saying, "Hey." Next, multiple gunshots were heard on the recording followed by screams. Individuals could be seen running from the front of the house. Witness #5 ran toward the front porch. Deputy Reynoso asked, "What's going on?" Deputy Reynoso then put out over the radio "Shots fired."

WEAPON

A large, bloodstained Kitchen Aid knife was located at the scene, on the ground of the entrance walkway. The knife blade was approximately eight inches long. The black handle was approximately four inches long.



INJURIES

Brown was treated at a hospital. Witness #6 was assigned to the emergency department on February 24, 2025. Witness #6 was interviewed by Detective Nicholas Paslak. Witness #6 identified two gunshot wounds to Brown's left upper chest and one gunshot wound below Brown's belly button. Brown was taken to an operating room and surgery was performed. During surgery, Brown was found to have an injury to his bladder. The surgeon told Witness #6 that there were no internal organs damaged from the gunshot wounds to Brown's chest. Witness #6 indicated to Detective Paslak that Brown was expected to survive and recover from his injuries.

TOXICOLOGY.

Unknown.[7]

CRIMINAL HISTORY.

No criminal history.

[7] There was an unsuccessful attempt to obtain Brown's medical records for purposes of the investigation.

DE-ESCALATION

The time between when Deputy Guzman knocked on the metal security door with his flashlight and when shots were fired was approximately thirty seconds. In that extremely short time frame, Deputy Guzman did not have an opportunity to try to de-escalate the situation. Deputy Guzman was faced with a group of individuals rushing out the front door of the residence. The individuals appeared scared. Deputy Guzman heard one of the individuals say, "He's coming, he's coming." Deputy Guzman asked, "What is it? Who is?" in an attempt to get more information. Within seconds, Deputy Guzman saw Brown, following behind the group that just rushed out of the house. Brown was holding a knife in his right hand. Brown was making his way out of the house. Deputy Guzman did not have sufficient time to identify himself or give Brown verbal commands to drop the weapon.

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.)

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

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

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.

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

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

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 instance of fatal encounters with law enforcement, therefore.

(Penal C. §835a(a).)

[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).

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.4th1125, 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.*) 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*.)

[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.

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. (*Baldridge 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 Guzman had an honest and objectively reasonable belief that Brown posed an imminent risk of serious bodily injury or death. Deputy Guzman responded to a call for service regarding a suspicious person at the residence on Central Road. The suspicious person was described as a black male adult wearing black clothing. When Deputy Guzman and Deputy Reynoso arrived at the location, they first contacted Witness #5. Witness #5 indicated he lived at the residence with his family.

Deputy Guzman went to the front of the house to contact the reporting party. Deputy Guzman was in unform. Deputy Guzman rang the video doorbell but received no response from anyone inside the home. Deputy Guzman asked the dispatcher to contact the reporting party and have the person step outside. Deputy Guzman still did not receive any response. Deputy Guzman approached the front door again and used his flashlight to knock on the metal security door. He announced, “Sheriff’s Department” and rang the video doorbell a second time.

Deputy Guzman moved to a nearby pillar to wait for a response from the residents. After a few seconds, Deputy Guzman heard what he described as a “struggling noise” along with a little heavy breathing and some mumbling. It was unclear to Deputy Guzman why the residents would be struggling to open their front door. Eventually the front door opened and Deputy Guzman saw the shadows of people behind the metal screen door. Deputy Guzman started to get scared when the individuals were unable to get the door open.

Once the door opened, Witness #1, Witness #4, and Witness #3 rushed out of the house. It appeared to Deputy Guzman that the family was scared. Deputy Guzman heard one of the females say, “He’s coming, he’s coming.” Deputy Guzman believed the family was running for their lives. Brown appeared inside the residence within seconds of the family members running out of the house. Brown was wearing black clothing. The call for service described the suspicious person as a black male wearing black clothing. Deputy Guzman observed Brown was holding a large kitchen knife. Deputy Guzman had an honest and objectively reasonable belief that Brown was potentially an intruder. Deputy Guzman was scared when he saw Brown was armed with a weapon and rushing toward the front door. Deputy Guzman’s honest belief that Brown would try to kill him or kill the three individuals who ran out of the house was objectively reasonable.

Deputy Guzman estimated Brown was fifteen feet away from him when he fired the first round at Brown. When Brown continued to advance toward him, Deputy Guzman fired two additional rounds from his handgun. Deputy Guzman feared for his life and the lives of the individuals who ran out of the house. Deputy Guzman believed Brown would have stabbed him or killed him had he not fired his weapon. Similarly, Deputy Guzman reasonably believed there was a possibility Brown would have stabbed or killed the three individuals who ran out of the house ahead of Brown had Deputy Guzman not fired his weapon.

It is important to note, Brown admitted to having a knife during the incident. Brown indicated in his interview he retrieved a large kitchen knife from the kitchen for safety reasons. Brown believed the intruder could have a gun or some other type of weapon. Brown stated he wanted to protect his family. Brown stated he was not holding the knife in a threatening manner. Brown did not hear Deputy Guzman give any verbal commands to drop the knife but thought Deputy Guzman may have perceived him as a threat.

At the time of the lethal force encounter, Deputy Guzman had not verified whether Witness #5 lived at the location. When Deputy Guzman heard the “struggling noise” and heavy breathing coming from behind the door, Deputy Guzman started to get scared. It was unclear to Deputy Guzman why a resident would have difficulty getting the front door to

their residence open. The demeanor of the family as they ran out of the house was frantic. One of them stated, "He's coming, he's coming." Within a few seconds, Brown appeared behind the family members armed with a weapon. Brown's physical appearance was similar to the general physical description of the suspicious person given in the initial call for service. Given all of those circumstances, it was objectively reasonable for Deputy Guzman to believe Brown was an armed intruder chasing the individuals rushing out of the residence. Therefore, the decision by Deputy Guzman to use lethal force was justified.

CONCLUSION

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

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