



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TODD SPITZER

November 18, 2022

Chief Adam Foster
La Habra Police Department
150 North Euclid Street
La Habra, CA 90631

Re: Officer-Involved Shooting on August 6, 2021
Fatal Incident involving Matthew-Tuan Anh Tran
District Attorney Investigations Case #21-002922
La Habra Police Department Case #21-023220
Orange County Crime Laboratory Case #21-50214

Dear Chief Foster,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the above-listed incident involving on-duty La Habra Police Department (LHPD) Officer Abigail Fox. Matthew-Tuan Anh Tran, age 22, died as a result of his injuries. The incident occurred in the City of La Habra on August 6, 2021.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the August 6, 2021, fatal, officer-involved shooting of Matthew-Tuan Anh Tran. The letter includes an overview of the OCDA's investigative methodology and procedures employed, as well as a description of the relevant evidence examined, witnesses interviewed, factual findings, and legal principles applied in analyzing the incident and determining whether there was criminal culpability on the part of the La Habra Police Department (LHPD) involved in the shooting. The format of this document was developed by the OCDA, at the request of many Orange County police agencies, to foster greater accountability and transparency in law enforcement.

On August 6, 2021, Investigators from the OCDA Special Assignments Unit (OCDASAU) responded to this incident. During the course of this investigation, 13 interviews were conducted, and 7 additional witnesses were contacted during the supplemental canvass interviews. OCDASAU Investigators also obtained and reviewed the following: La Habra Police Department reports, audio dispatch and radio traffic recordings; Orange County Crime Laboratory (OCCL)

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reports, including toxicology, forensic alcohol examination, latent print, officer processing and firearms examination reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Matthew-Tuan Anh Tran; criminal history records related to Matthew-Tuan Anh Tran including prior incident reports; and other relevant reports and materials including audio recordings of the conducted neighborhood canvass.

The OCDA conducted an independent and thorough investigation of the facts and circumstances of this incident and has reviewed all evidence and legal standards impartially. The scope and findings of this review are expressly limited to determining whether any criminal conduct occurred, and if the use of force was consistent with the law, on the part of La Habra Police Department officers or personnel, specifically Officer Abigail Fox. The OCDA will not be addressing any possible issues of policy, training, tactics, or civil liability.

INVESTIGATIVE METHODOLOGY

Among other duties, the OCDASAU is responsible for investigating officer-involved shootings within Orange County when someone has been injured as a result of police gunfire. An OCDASAU Investigator is assigned as a case agent and is supported by other OCDASAU Investigators, as well as investigators from other OCDA units. Six Investigators are assigned to the OCDASAU on a full-time basis. There are additional OCDA Investigators assigned to other units in the office trained to assist when needed. On average, eight Investigators respond to an incident within an hour of being called. The Investigators assigned to respond to an incident perform a variety of investigative functions that include witness interviews, neighborhood canvass, crime scene processing and evidence collection, vehicle processing, and hospital investigative responsibilities as needed. The OCDASAU audio records all interviews, and the OCCL processes all physical evidence related to the investigation.

When the OCDASAU Investigator has concluded the investigation, the file is turned over to an experienced deputy district attorney for legal review. Deputy district attorneys from the Homicide, TARGET/Gangs, and Special Prosecutions Units review fatal and non-fatal officer-involved shootings and custodial death cases, and determine whether criminal charges are appropriate. Throughout the review process, the assigned prosecutor consults with the Assistant District Attorney supervising the Special Prosecutions Unit of the OCDA, who will eventually review any legal conclusions and resulting memos. The case may often be reviewed by several experienced prosecutors and their supervisors. The District Attorney personally reviews and approves all officer involved shootings and custodial death letters. If necessary, the reviewing prosecutor may send the case back for further investigation.

An important part of the investigation of an incident such as this is attempting to obtain a statement from the involved officers. Officer Abigail Fox gave a voluntary statement to OCDA Investigators on August 11, 2021. Officer Mark Milward gave a voluntary statement to OCDA Investigators on September 8, 2021.

DISCLOSURE OF OFFICER-INVOLVED SHOOTING VIDEO & AUDIO EVIDENCE

The OCDA recognizes that releasing video and audio evidence of officer-involved shooting and custodial death incidents can assist the public in understanding how and why these incidents occur, increase accountability, and build public trust in law enforcement. Consistent with the OCDA's written policy in connection with the release of video and audio evidence relating to officer-involved shooting and custodial death incidents where it is legally appropriate to do so, the OCDA is releasing to the public video/audio evidence in connection with this case. The

relevant video/audio evidence is available on the OCDA webpage at:
<http://orangecountyda.org/reports/videoandaudio/default.asp>.

FACTUAL SUMMARY

On August 6, 2021, at approximately 6:25 p.m., Jane Doe noticed a dark-colored vehicle tailgating her on the northbound 5 freeway as she drove home from her place of work. Investigators later identified the dark-colored vehicle as a dark blue 1998 Toyota Camry registered to Matthew-Tuan Anh Tran. Investigators later identified Matthew-Tuan Anh Tran as the tailgater. Doe did not recognize Tran and had never met him before.

Doe made several lane changes so that Tran could pass her. However, each time Doe did this, Tran continued tailgating her. Doe was northbound on the 57 freeway at 6:51 p.m. and Tran continued to follow her vehicle. Doe became so concerned for her safety that she phoned a friend to tell him that someone was tailgating her. She also sent her mother a text about the situation.

Doe then exited the freeway at Lambert Road and called her mother for assistance. Doe's mother suggested that Doe not come home and instead call 9-1-1 and go to the police station.

At approximately 7:03 p.m., Doe dialed 9-1-1 and reached La Habra Police Department (LHPD) dispatch. Doe informed LHPD dispatch that a young male driving an older black sedan continued to tailgate her even though she made several attempts to get out of his way. LHPD dispatch recommended that Doe go to the LHPD station and park in the front. The LHPD station is located at 150 North Euclid Street, La Habra, CA. The station faces a residential area. There is also a pedestrian sidewalk in front of the LHPD station. Doe arrived at the LHPD station and parked in front. Doe stayed on the line with LHPD dispatch and remained in her vehicle.

Tran parked behind Doe and exited his vehicle. He walked up to the front of the police station and attempted to open its doors. The lobby was closed. Tran then pushed the button next to the door that called LHPD dispatch. LHPD dispatch attempted to speak with Tran via the intercom, but Tran did not respond. Tran tried to open the doors a second time.

At approximately 7:05 p.m., LHPD Communications dispatched LHPD Officers Abigail Fox and Mark Milward to the front of the LHPD station. Each officer drove a marked black and white LHPD police vehicle, wore department-issued navy-blue police uniforms with LHPD patches on both shoulders, had a metal LHPD badge pinned above their left shirt pocket, and carried body-worn cameras attached to the front of their uniforms.

It was still daylight when at approximately 7:08 p.m. Officers Fox and Milward arrived in separate vehicles. Officer Fox parked behind the Toyota. Officer Milward parked behind Officer Fox's vehicle. Dispatch advised the officers that the male who tailgated the reporting party was now at LHPD's front doors.

Officer Fox approached Doe and asked her what was going on. Doe informed Officer Fox about the situation and told her that she was scared. Doe pointed out it was the Toyota that followed her. Doe expressed that she did not recognize the individual who had followed her.

Meanwhile, at 7:09:46 p.m., Officer Milward went up to the LHPD station doors and asked Tran what was going on. Tran told Officer Milward that he was there to see someone. Officer Milward then asked Tran if he was involved with the cars parked in front of the station, pointing towards Doe's vehicle and the Toyota. Tran responded that he was not involved. Officer Milward informed Tran he would be with him in a second. Officer Milward turned his back to Tran and walked away.

At 7:10:03 p.m., Tran removed a firearm from his waist belt, cocked it, and aimed it directly at Officer Milward's back.

At 7:10:06 p.m., Officer Milward suddenly turned right and saw Tran pointing a firearm directly at him. Simultaneously, Officer Fox saw Tran standing at the station entrance with a handgun pointed at Officer Milward. Officer Fox yelled, "Hey! Hey! Hey!"

At approximately 7:10:07 p.m., Tran fired two rounds at Officer Milward. One round pierced Officer Milward's bulletproof vest striking him in the right upper chest causing him to fall to the ground. Officer Milward would recover from the gunshot.

At 7:10:08 p.m., Officer Fox drew her gun and fired five rounds in rapid succession at Tran. One round struck Tran in the head and caused him to fall to the ground. Jane Doe, Officer Milward, Officer Fox, and an eyewitness agreed that Tran shot first. Surveillance and body camera footage supports their accounts. Officer Fox did not have time to de-escalate the situation or use less-lethal force because Tran was already firing at Officer Milward.

Officer Fox fired in defense of Officer Milward. Officer Fox also feared for her life as well as Jane Doe's. Additionally, Officer Fox feared for the lives of civilians in the area.

Once Tran was on the ground, Officer Fox checked on Officer Milward. Subsequently, at approximately 7:10:32 p.m., Officer Fox radioed that a suspect and an officer were down and that she needed help.

Tran's firearm remained in his hand. Officer Fox continued to give Tran commands to drop the gun and show her his hands. At 7:11:21 p.m., additional LHPD officers arrived on the scene and provided Officer Milward medical attention.

LHPD officers formulated a tactical plan and gathered necessary equipment to safely approach, disarm, and handcuff Tran. At 7:16:35 p.m., LHPD officers approached Tran with a K-9, disarmed him, moved him away from the station's front doors, and out onto the sidewalk where they handcuffed him.

At approximately 7:20 p.m., Los Angeles County Fire Department paramedics arrived to provide Tran medical aid. Paramedics did not find a pulse or respiration. The gunshot wound to Tran's head had expelled brain matter.

At approximately 7:26 p.m., paramedics pronounced Tran deceased on the scene.

EVIDENCE COLLECTED

The following items of evidence were collected and examined:

- EM #1 - One (1) .40 caliber cartridge case headstamped "FEDERAL 40 S&W"
- EM #2 - One (1) .40 caliber cartridge case headstamped "FEDERAL 40 S&W"
- EM #3 - One (1) .40 caliber cartridge case headstamped "FEDERAL 40 S&W"
- EM #4 - One (1) .40 caliber cartridge case headstamped "FEDERAL 40 S&W"
- EM #5 - One (1) .40 caliber cartridge case headstamped "FEDERAL 40 S&W"
- EM #6 - One (1) iPhone
- EM #7 - One (1) AXON body-worn camera, serial #X6039AGHB
- EM #8 - One (1) Glock .40 caliber pistol, Model 22, serial #MBN244

- EM #9 - One (1) 9mm cartridge case headstamped "WIN 9mm LUGER"
- EM #10 - One (1) Magpul PMAG pistol magazine with unknown number of cartridges
- EM #11 - One (1) 9mm cartridge case headstamped "WIN 9mm LUGER"
- EM #12 - One (1) expanded bullet
- EM #13 - One (1) apparent bullet fragment
- One (1) Glock style 9mm semi-automatic pistol, black/green, no serial number, with 9mm cartridge case headstamped "GFL 9mm LUGER."
- Multiple DNA swabs of TRAN'S hands
- One (1) apparent bullet fragment recovered from Tran's skull
- One (1) black T-shirt
- One (1) pair of black pants with a black belt
- One (1) pair of black Converse tennis shoes
- One (1) pair of blue boxes
- One (1) pair of black socks
- Glock, Generation 4, Model 22, .40 caliber semi-automatic pistol, serial number BETY933 with a frame mounted Streamlight TLR-1 HL flashlight, serial number 482795
- One (1) .40 caliber cartridge with headstamp of "FEDERAL 40 S&W", recovered from the chamber of the pistol
- One (1) 15 cartridge capacity .40 caliber pistol magazine, which was seated in the pistol
- Ten (10) .40 caliber cartridges with headstamp of "FEDERAL 40 S&W", recovered from the magazine seated in the pistol
- One (1) firearm magazine from La Habra PD
- Officer Milward's uniform with apparent blood

AUTOPSY

On August 10, 2021, Forensic Pathologist Dr. Nicole J. Ellis of the Orange County Coroner's Office conducted an autopsy on the body of Matthew-Tuan Anh Tran. Dr. Ellis determined that Tran had sustained three gunshot wounds. The gunshot wound to Tran's head entered his scalp and caused a subarachnoid hemorrhage and skull fractures. The gunshot wound to Tran's right flank wounded his ribcage, lungs, liver, and other vital organs. The third gunshot wound to Tran's right thigh wounded the skin and soft tissue of his right thigh and fractured the right side of his pubic symphysis.

Dr. Ellis also noted that Tran had abrasions on his forehead and ankle.

Dr. Ellis determined Tran's cause of death was multiple gunshot wounds.

EVIDENCE ANALYSIS

Firearms Examination

Officer Abigail Fox's Glock 22, Gen 4, .40 Smith & Wesson caliber pistol was test fired at the Orange County Crime Lab and fired without malfunction.

Officer Abigail Fox's Glock 22, Gen 4, .40 Smith & Wesson caliber pistol was determined to have fired five cartridge cases (EM #s 1, 2, 3, 4, 5 from the scene.)

Officer Abigail Fox's Glock 22, Gen 4, .40 Smith & Wesson caliber pistol shares the same class characteristics as the three bullets from Matthew-Tuan Anh Tran's autopsy (back left shoulder, pelvis, and head), the bullet from EM #12, and the bullet jacket fragment from the decedent's head.

The fabricated (Glock style - Ghost), 9mm Luger caliber pistol recovered at the scene was determined to have fired three cartridge cases (EM #s 9 and 11, and the single cartridge case packaged with the pistol) from the scene.

The fabricated (Glock style - Ghost), 9mm Luger caliber pistol recovered at the scene shares the same class characteristics as the bullet from Officer Mark Milward's vest.

Toxicological Examination

A sample of Matthew-Tuan Anh Tran's blood was collected at the Orange County Coroner Division Facility. An Orange County Sheriff's Department forensic scientist examined the blood sample for alcohol, prescription drugs, and common drugs of abuse. The following results were obtained:

DRUG	MATRIX	RESULTS & INTERPRETATIONS
Amphetamine	Postmortem Blood	0.0533 ± 0.0040 mg/L
Cannabinol	Postmortem Blood	0.0014 ± 0.0002 mg/L
Carboxy-THC	Postmortem Blood	0.295 ± 0.040 mg/L
Hydroxy-THC	Postmortem Blood	0.0148 ± 0.0020 mg/L
Methamphetamine	Postmortem Blood	0.263 ± 0.019 mg/L
THC	Postmortem Blood	0.075 ± 0.011 mg/L
Ethanol/Volatiles	Postmortem Blood	Not Detected
Amphetamine and Related	Postmortem Blood	Presumed Positive
Barbiturates	Postmortem Blood	Negative
Methamphetamine and Related	Postmortem Blood	Presumed Positive
Cannabinoids	Postmortem Blood	Presumed Positive
QTOF Drug Identification (Positive Mode)	Postmortem Blood	Not Detected
Phenethylamines	Postmortem Blood	Detected

MATTHEW-TUAN ANH TRAN'S PRIOR CRIMINAL HISTORY

Matthew-Tuan Anh Tran's criminal history was reviewed and considered. Matthew-Tuan Anh Tran had a California Criminal History that dates back to 2018. He has previously been arrested for the following charges:

- H&S 11350 (a) Possession of a Controlled Substance

STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a shooting include murder [Penal Code section 187]; manslaughter [Penal Code section 192]; assault with a deadly weapon [Penal Code section 245]; and assault by a police officer [Penal Code section 149]. In order to convict an officer of any of these charges, however, it would be necessary to prove beyond a reasonable doubt that no legal justifications existed for the officer's actions. (*People v. Adrian* (1982) 135 Cal.App.3d 335, 340-342.) Several such justifications may apply in any given case and they are set forth in Penal Code sections 196, 197 and 835a.

California Penal Code section 196 provides that use of deadly force by a public officer is justifiable when done in compliance with California Penal Code section 835a. California Penal Code section

197 provides that the use of deadly force by any person is justifiable when used in self-defense or in defense of others.

California Penal Code section 835a allows a police officer to use reasonable force when necessary in the defense of human life. The decision to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall be taken into account when officers are forced to make quick judgments about using force.

California Penal Code section 835a further states that a peace officer is justified in using deadly force when the officer reasonably believes that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person. Deadly force may also be used to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believed that person will cause death or serious bodily injury if not immediately apprehended.

Consistent with existing law, Penal Code section 835a maintains the principle that a police officer, acting in compliance under this section, who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of the resistance or threatened resistance of the person being arrested. Such officer shall not be deemed an aggressor or lose his/her right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Penal Code section 835a also requires that prior to the use of deadly force the officer make reasonable efforts to identify himself or herself and warn that deadly force may be used, when feasible, unless the officer reasonably believes the person is already aware of those facts. In determining whether deadly force is necessary, the officer shall evaluate the circumstances of each situation independently, and use other available resources and techniques if reasonably safe and feasible to do so.

In addition, Penal Code section 834a requires that if a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he/she is being arrested by a peace officer, that person must refrain from using force or any weapon to resist such arrest.

Similarly, the relevant Criminal Jury Instruction as written by the Judicial Council of California and set forth in CALCRIM 3470 permits a person being assaulted to defend himself/herself from attack if, as a reasonable person, he/she had grounds for believing and did believe that bodily injury was about to be inflicted upon him/her or upon another person. In doing so, such person may immediately use all force and means which he/she believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to defend against that danger and to prevent the injury which appears to be imminent.

The law as detailed in CALCRIM 3470 and in well-settled case law therefore permits a person, if confronted by the appearance of danger which arouses in his/her mind, as a reasonable person, an honest fear and conviction that he/she or another person is about to suffer bodily injury, to act in self-defense or defense of others upon such appearances, and from such fear and honest convictions. The 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, 641-642.)

Nevertheless, the above justifications must be interpreted in light of United States Supreme Court precedent that limits the right of a police officer to use deadly force. (*People v. Martin* (1985) 168

Cal.App.3d 1111, 1124.) In *Tennessee v. Garner* (1985) 471 U.S. 1, 3, the United States Supreme Court ruled that a police officer is entitled to use deadly force only when “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.”

This limitation was, however, clarified subsequently by the United States Supreme Court in the seminal case of *Graham v. Connor* (1989) 490 U.S. 386, wherein the Supreme Court explained that an officer’s right to use force [i.e., his/her weapon] is to be analyzed under the Fourth Amendment’s “objective reasonableness” standard. The Supreme Court further stated that the determination of the reasonableness of an officer’s use of force “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.)

The United States Supreme Court’s analysis and teachings in *Graham* are very much applicable to the circumstances surrounding the interactions of La Habra Police Department Officer Abigail Fox with Matthew-Tuan Anh Tran.

LEGAL ANALYSIS

The facts in this case are determined by considering both Officer Fox’s and Officer Milward’s statements to the OCDA investigators, which was supplemented by other relevant material and witnesses present at the incident.

The issue is whether the conduct of Officer Fox on August 6, 2021 was justified. As stated above, in order to charge Officer Fox with a criminal violation, it is required that the prosecution be able to prove beyond a reasonable doubt that no legal justification existed for the police officer’s conduct. Therefore, in order to lawfully charge Officer Fox with a crime, the prosecution must prove beyond a reasonable doubt that she did not act in lawful self-defense. If Officer Fox’s actions were justifiable as lawful self-defense or defense of others, then criminal charges will not be warranted.

As the Court of Appeal held in a recent case, it is well settled that

“[u]nlike 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 effectuate it.’ Police officers are, in short, not similarly situated to the ordinary battery defendant and need not be treated the same. In these cases, then, the police officer is in the exercise of the privilege of protecting the public peace and order and he is entitled to the even greater use of force than might be in the same circumstances required for self-defense.”

(*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 527.)

Where potential dangerous, emergency conditions, or other exigent circumstances exist, the California Courts of Appeal have noted that the United States Supreme Court’s definition of reasonableness is comparatively generous to the police. The court in *Brown* noted that in effect,

“the Supreme Court intends to surround the police who make these on-the-spot choices in dangerous situations with a fairly wide zone of protection in close cases. A police officer’s use of deadly force is reasonable if the officer has probable cause to believe that the suspect

poses a significant threat of death or serious physical injury to the officer or others. Thus, 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.”

(*Id.* at 528.) Additional analysis, pursuant to California Penal Code section 835a, permits deadly force when the officer reasonably believes it is necessary, based upon a totality of the circumstances, to defend themselves or others against an imminent threat of death or serious bodily injury.

Officer Fox was justified in believing that Tran posed a significant threat of death or serious physical injury to herself and others. This conclusion is based on the totality of the circumstances, but mainly based on the conduct of Tran in the moments leading up to him firing first.

Officer Fox arrived at the front of the La Habra Police Department (LHPD) station and first spoke with the victim of Tran's tailgating. The victim expressed that she was scared because Tran had followed her from the freeway. Officer Fox also received information from both the victim and LHPD dispatch that the suspect was at the front of the LHPD station. These facts alone would lead a rational officer to determine that Tran was a potentially dangerous person, especially given that the victim felt it necessary to get the police involved as soon as possible to the point that she drove to the police station. Thus, Officer Fox had to address the situation carefully.

The location added to the already delicate situation. The location is surrounded by a public sidewalk, a busy street, and a residential area. The incident also occurred during broad daylight increasing the likelihood of civilian injury had Officer Fox not handled the situation immediately.

These facts alone could justify force by Officer Fox if Tran threatened to cause any harm. However, Tran went much further than this. In response to Officer Milward calmly approaching him and merely asking him if he needed any help. Tran waited for Officer Milward to turn his back before he cocked, aimed, and fired. Officer Fox did not immediately use any force in response. She instead first shouted “Hey! Hey! Hey!” Tran then fired two rounds at Officer Milward. Officer Fox then shot Tran.

Officer Fox was more than reasonable in her use of force in this situation. Tran fired a deadly weapon twice at a fellow officer. Tran dangerous behavior showed his resolve to attack Officer Milward. Had Officer Fox not returned fire, Tran would most likely have continued to shoot until Officer Milward died. Tran clearly demonstrated he had no regard for human life. Officer Fox recognized this and stated that she feared for Officer Milward's life.

Officer Fox's actions are further justified considering her actions after Tran fell. Even though the gun was still in Tran's hand, Officer Fox did not fire any additional shots. She merely instructed that he put the gun down and show her his hands. Officer Fox showed restraint and resorted to force only when Tran posed an immediate danger to others. Thus, she acted appropriately when she returned fire.

It should also be noted that, in order for Officer Fox to be justly and lawfully charged and convicted with a crime in this incident, it is the OCDA's burden to prove beyond a reasonable doubt that Officer Fox did not act in reasonable and justifiable self-defense or defense of another when she shot at Matthew-Tuan Anh Tran. As should be apparent from the above-described analysis, the prosecution would be unable to carry this burden in this case. A jury analyzing these facts would justly conclude that it was reasonable for Officer Fox to believe that her life and the lives of others were in danger. Therefore, Officer Fox was justified when she shot Matthew-Tuan Anh Tran.

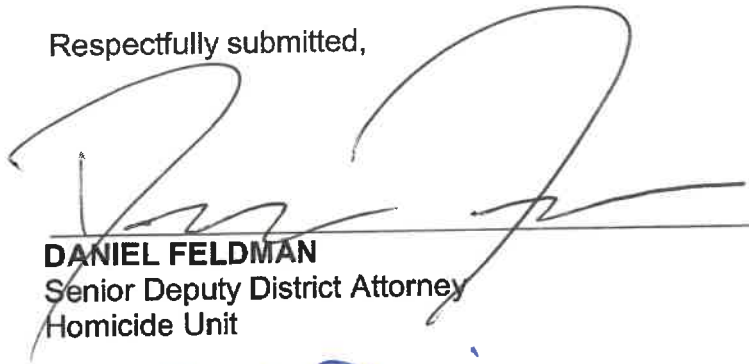
Simply stated, Officer Fox did not commit a crime. To the contrary, she carried out her duties as a peace officer in a reasonable and justifiable manner.

CONCLUSION

Based upon a review of all of the evidence provided to and obtained by the OCDA, and based on the entirety of the facts contained in all the available reports and interviews reviewed, and pursuant to the applicable legal principles, it is our legal opinion that there is no evidence of criminal culpability on the part of La Habra Police Department Officer Abigail Fox, and there is substantial evidence that her actions were reasonable and justified under the circumstances when she shot Matthew-Tuan Anh Tran on August 6, 2021.

Accordingly, the OCDA is closing its inquiry into this incident.

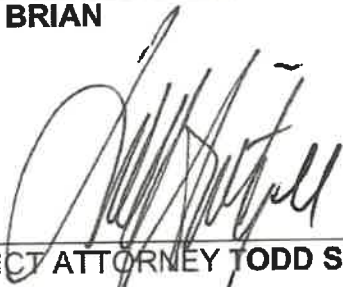
Respectfully submitted,



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READ AND REVIEWED BY **BRETT BRIAN**
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READ AND APPROVED BY DISTRICT ATTORNEY **TODD SPITZER**

12-04-2022