



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

April 16, 2025

Sheriff Don Barnes
Orange County Sheriff's Department
550 N. Flower Street
Santa Ana, CA 92703

Re: Officer-Involved Shooting on August 23, 2023
Fatal Incident involving John Patrick Snowling
District Attorney Investigations Case # SA 23-002442
Orange County Sheriff's Department Case # 23-031615
Orange County Crime Laboratory FR# 23-47374/ FR# 23-47414
Orange County Coroner's Office Case # 23-4815-CE

Dear Sheriff Barnes,

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 Orange County Sheriff's Department (OCSD) Deputies Brandon Saunders, Christian Moreno, Brandon Espinosa, Daniel Serrano, Mathew Harm, Jesus Carrasco, and Juan Contreras. During the course of the incident, John Patrick Snowling, age 60, sustained injuries that resulted in his death. The incident occurred in the unincorporated area of Trabuco Canyon on August 23, 2023.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the August 23, 2023, fatal, officer-involved shooting (OIS) of Snowling. 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 OCSD deputies 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 23, 2023, investigators from the OCDA Special Assignments Unit (OCDASAU) responded to this incident. During the course of their investigation, 11 witness and 23 canvass interviews were conducted. OCDASAU investigators also obtained and reviewed the following: OCSD reports, audio dispatch and radio traffic recordings; audio recordings of canvass interviews; Orange County Crime Laboratory (OCCL) reports, including toxicology, forensic

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alcohol examination, latent print, officer processing and firearms examination reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Snowling; criminal history records related to Snowling; Body Worn Camera (BWC) and Patrol Vehicle System (PVS) videos; and other relevant reports and materials.

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 by OCSD personnel, specifically Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras, was consistent with the law. 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 or killed 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 functions that include witness interviews, scene processing, evidence collection, and hospital investigative responsibilities as needed. The OCDASAU audio records all interviews, and the OCCL processes all physical evidence related to the investigation.

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. Thus, when the OCDASAU investigator has concluded the investigation, the file is turned over to an experienced deputy district attorney for legal review. If necessary, the reviewing prosecutor will send the case back for further investigation.

Throughout the review process, the assigned prosecutor will consult with the Assistant District Attorney supervising the Special Prosecutions Unit of the OCDA, who will eventually review any legal conclusions and resulting correspondence. It is also common for the case to be reviewed by several other experienced prosecutors and their supervisors. Ultimately, the District Attorney personally reviews and approves all officer-involved shooting and custodial death letters.

An important part of the investigation of an incident such as this is attempting to obtain a statement from the involved deputies. Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras all gave voluntary statements to OCDASAU investigators.

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

This incident involves a mass shooting and subsequent OIS that occurred at Cook's Corner, a bar and restaurant located at 19152 Santiago Canyon Road, Trabuco Canyon.

Cook's Corner is a standalone building located on the northeast corner of Santiago Canyon Road and Live Oak Canyon Road.

The front of the establishment faces south, towards the intersection of Santiago Canyon Road and Live Oak Canyon Road. Santiago Canyon Road intersects with Live Oak Canyon to the east and forms a "Y" intersection.

Cook's Corner's restaurant interior area is rectangular, with the longer sections running east/west. There is a stage on the far west. There is a bar along the north wall which extends back to the kitchen area, which is located along the east wall.

There is table seating in the center of the restaurant. There are two barrel tables along the north wall, to the west of the bar. The southern wall is lined with barrel tables.

The establishment has three entrances located along the south side of the building.

The first entrance (west entrance) is located in the west part of the building and enters into the indoor dining area. There is a ramp that runs along the south side of the building that leads to this entrance. Inside, the west entrance opens to a stage for live music, located just north of the entrance, and against the west wall of the establishment.

The second entrance (main entrance) is located approximately in the middle of the building. This entrance opens up to the bar area.

The third entrance (east entrance) is located on the east side of the building, which opens to the kitchen and soft drink area of the restaurant.

There is also an entrance on the northwest side of the building (north entrance) which accesses a storage room. This room has an entrance to the main restaurant, just west of the barrel tables and east of the stage.

To the southeast and outside of the main entrance of the establishment, there is an open-air patio with several tables and benches to allow patrons to sit. Further to the east of the building, adjacent to the open patio, there is a second covered patio area with additional tables and benches for patrons. Still further to the east and adjacent to the covered outdoor patio, there is a second, larger covered area that has room for a stage, along with benches and tables for patrons.

The establishment has parking to the front, rear, and west side, as well as two parking areas to the north.

The parking area directly in front of the establishment (front parking lot), on the southwest side of the main entrance, is used primarily for motorcycle parking.

There is another front parking area (south parking lot) that is further to the south of the main entrance, along the north side of Live Oak Canyon Road, and extends to the northeast. This lot is used primarily for automobile parking. There is a shallow ravine between the two front lots, which are connected by a bridge.

North of and behind the building, there is a smaller dirt parking lot (north parking lot) used for both automobile and motorcycle parking.

Still further to the north, along the east side of Santiago Canyon Road, and up a small rise, there is a second dirt parking area (the upper lot). This parking lot is primarily used for automobile parking. There is a concrete walkway with green-painted metal rails leading from the north parking lot to the upper parking lot. There are two yellow concrete posts adjacent to the lower-level concrete walkway leading up the ramp to the upper lot area. This walkway is located on the west side of the parking lots, adjacent to Santiago Canyon Road. There is a large oak tree located in the southeast portion of the lot.

Cook's Corner was equipped with a surveillance camera system which had three active cameras. Two cameras were located within the building, one of which was positioned just west of the bar area and faced east, and the second of which was positioned just east of the bar and faced west. A third camera was located outside and west of the main entrance. This camera faced south. The cameras were all operational and captured portions of the incident.¹

The following summary of events was developed after reviewing witness statements, OCSD reports, laboratory and identification reports, 9-1-1 calls, radio traffic, incident scene photographs, BWC videos, PVS videos, Cook's Corner surveillance videos, cell phone videos, and other relevant reports and materials. All times are approximate and derived from OCSD computer automated dispatch logs, BWC time displays, and follow-up investigation.

On Wednesday, August 23, 2023, Cook's Corner was having its weekly "Spaghetti Night" event. The event features a live band and attracts many of the "regular" Cook's Corner patrons.

Snowling's [REDACTED], Jane Doe 1, age [REDACTED] was a "regular" and was in attendance that evening. Jane Doe 1 was close to [REDACTED] from Snowling. According to Jane Doe 1, the [REDACTED] was contentious. She told OCSD investigators that Snowling threatened that she would be "dead within a year because he was going to fight her on everything and stress her out, which would cause her to have a heart attack". She did not think, however, that Snowling would engage in violence. Snowling was a retired Ventura Police Department sergeant and owned several firearms. Jane Doe 1 stated that he was proficient in handling these weapons.

Jane Doe 1 stated that on the day of the incident, she had arrived at Cook's Corner at approximately 6:00 or 6:30 p.m., and was seated at the inside front table near the stage, facing the stage. She was seated alone.

¹ The surveillance cameras' times were set incorrectly. The time of the recordings from these cameras was approximately 24 minutes and 24 seconds ahead of the actual time. References to times in this letter are to approximate actual times, and not to the incorrect times embedded within the Cook's Corner surveillance videos.

To Jane Doe 1's right (north), there was a barrel table where Jane Doe 2 was seated with several friends. She was at Cook's Corner that evening to celebrate her [REDACTED] birthday.

At approximately 7:03 p.m., a live band was playing music and patrons were sitting at their tables and the indoor bar, eating, and listening to music. There were also numerous people seated in the outside patio area. Jane Doe 1 as well as several other witnesses saw Snowling enter the bar. There are conflicting reports regarding whether he entered via the west entrance or the north entrance/storage room. Jane Doe 1 indicated to OCSD investigators that Snowling did not say anything to her but had an "evil" look on his face. Jane Doe 1 stated that Snowling walked to within three to four feet of her, took a shooting stance, and shot her one time in the [REDACTED] hitting her [REDACTED] Jane Doe 1 [REDACTED] her injury.

At approximately 7:03:33 p.m., the interior surveillance videos capture the patrons and staff reacting to the shooting by ducking and running.

Multiple witnesses indicated to OCSD investigators that Snowling had a handgun in each hand. One handgun was a revolver and the other was a semi-automatic.

After Snowling shot Jane Doe 1, he fired several more shots in the restaurant. One of these shots struck Jane Doe 2 on the [REDACTED]. Jane Doe 2 [REDACTED] her injury.

John Doe 1, age [REDACTED], was a patron sitting at a barrel table along the south side of the dining area just east of the main entrance. He told OCSD investigators that he heard shots, at which time he was struck in his [REDACTED] John Doe 1 [REDACTED] his injury.

After the first set of shots, Snowling proceeded to the west entrance and began to step outside. Before fully exiting the building, however, he turned and shot several rounds back into the building in the direction of the band. During this volley, two band members were hit by bullets. John Doe 2, [REDACTED] was shot [REDACTED] with the bullet then striking his [REDACTED] and hitting him in the [REDACTED]. The bullet did not [REDACTED] John Doe 3, the [REDACTED], was shot in the [REDACTED] with the bullet exiting his [REDACTED] John Does 2 and 3 [REDACTED] their injuries.

At approximately 7:03:44 p.m., the exterior surveillance camera captured Snowling at the bottom of the ramp that leads to the west entrance. Snowling had a revolver in his right hand and a semi-automatic handgun in his left hand. Snowling proceeded to run into the front parking lot. He turned to the east and fired the revolver in the direction of the outdoor patio area. He then turned to the west and ran out of the camera's view.

John Doe 4 was sitting with several friends in the outside patio area when Snowling began shooting while inside the building. He told OCSD investigators that after the initial shots were fired, he saw Snowling exit the building, stop, and shoot back into Cook's Corner. He saw Snowling then turn toward where he was sitting and shoot at his group. One of the bullets struck his friend John Doe 5, age [REDACTED], in the [REDACTED]. John Doe 4 and his companions helped John Doe 5 into the ravine between the two front parking lots. John Doe 5, [REDACTED] his injury.

John Doe 6 told OCDASAU and OCSD investigators that he was sitting at the outside bar along the southeast exterior of the building when he heard gunfire in the restaurant. He then saw Snowling exit the west entrance with a handgun in each hand. He indicated that Snowling had

both hands up, with the left hand pointing inside the bar, and the right hand pointing toward the east outside the bar. He saw Snowling begin shooting both guns at the same time. He then saw Snowling head through the front parking lot and around the west side of the building towards the north parking lot.

At approximately 7:03:57 p.m., John Doe 6 was captured by Cook's Corner's exterior surveillance camera running in pursuit of Snowling. John Doe 6 told investigators that he wanted to see which vehicle Snowling got into so he could record if Snowling fled the scene. After Snowling ran to the back parking lot, John Doe 6 began recording video with his cell phone at approximately 7:04 p.m. He indicated that as he was following Snowling, Snowling began to fire at him with both guns. John Doe 6 hid behind the building and was not hit by the gunfire.

John Doe 6 stated that Snowling moved from the front parking lot to the north side of the structure into the north parking lot. He then saw Snowling go to the upper lot and approach the fourth vehicle parked along the west side of the parking lot. This was a silver Ford F-350, subsequently determined to be Snowling's vehicle. John Doe 6 saw Snowling reach into either the right-rear seating area of the truck bed and pull out a shotgun. John Doe 6 also told investigators that he had seen Jane Doe 3 and John Doe 7, [REDACTED] get into Jane Doe 3's silver Ford F-150 pick-up truck, which was parked three spots south of Snowling's vehicle. He yelled at her to stay down and then saw Snowling shoot into her vehicle.

Jane Doe 3 told OCSD investigators that she was [REDACTED] area located by the kitchen when Snowling began shooting. She ran out the east entrance and around the east corner of the building. She and another [REDACTED] John Doe 7, ran to her truck, which was parked in the upper lot. She and John Doe 7 tried to hide in her vehicle. Snowling passed her truck on the way to his truck, which was parked three vehicles north of her truck. She saw Snowling retrieve a shotgun from his vehicle and he proceeded to shoot at her vehicle, shooting out her windows. When Snowling then approached her truck, she begged him not to shoot her as she was five months pregnant. Snowling did not shoot at her again and told her to "go, go" pointing in the direction of the restaurant. She followed his orders and ran towards Cook's Corner.

At approximately 7:04:07 p.m., John Doe 8, age [REDACTED] was captured by the exterior surveillance camera approaching Cook's Corner from the exterior southeast direction. Interior surveillance video captures him entering the restaurant and checking on Jane Doe 1 and Jane Doe 2.

At approximately 7:04:56 p.m., John Doe 8 exited Cook's Corner and was captured on video heading east through the front parking lot.

John Doe 6 told investigators that he saw John Doe 8 head towards Snowling's location. This was after Snowling had fired the shotgun at Jane Doe 3's car. John Doe 8 wanted to go confront Snowling. John Doe 6 told him to stop and to not go, to which John Doe 8 responded "Fuck no." John Doe 8 then walked through the north parking lot to the ramp leading to the upper lot. As he took two steps up the ramp, John Doe 6 saw Snowling shoot John Doe 8 with the shotgun. The blast blew John Doe 8 backwards and he fell at the bottom of the ramp. John Doe 8 was shot in [REDACTED] his injuries.

John Doe 9, age [REDACTED], was sitting at the outdoor patio area on the southeast side of the building. He was with two friends, Jane Doe 4 and John Doe 10, when Snowling first began shooting inside the restaurant. Jane Doe 4 told OCSD investigators that when they heard the shots they all ran

to the back side of the building. After the first round of shots ended, they were going back to their original location when they saw Jane Doe 3 running through the north lot. Jane Doe 3 told them Snowling had let her go. She then heard more shots and saw John Doe 9 fall. She originally thought he had tripped and she went to help him. When she reached him, she saw he was wounded in the [REDACTED] area. His last words to her were "I think I'm dead." She then heard rounds start to ricochet off the metal table near her and she ran for cover. John Doe 9 [REDACTED] his injury.

John Doe 10, age [REDACTED], another [REDACTED], heard the initial shots and exited the restaurant's kitchen through a door that led to the north parking lot. While there, he saw Jane Doe 3 running back to the restaurant and John Doe 8 heading to confront Snowling. John Doe 8 said to him, "Let's go stop this motherfucker." John Doe 10 told him not to go, but he was ignored and John Doe 8 continued to the ramp where he saw Snowling shoot him with the shotgun. He then observed John Doe 9 get shot. He went to assist him and while trying to help him he saw his own "[REDACTED]" and realized he too had been shot. John Doe 10 then ran back inside the restaurant seeking help. He [REDACTED] his injury.

At approximately 7:04:07 p.m., The California Highway Patrol (CHP) received the first of multiple 9-1-1 calls reporting that a white male wearing a blue plaid shirt and a baseball cap entered the Cook's Corner bar and shot multiple people. CHP transferred the 9-1-1 calls to OCSD. OCSD Deputies were initially dispatched to Cook's Corner regarding an "unknown trouble." As more 9-1-1 calls came in, the callers were reporting that the shooter was last seen in the upper parking lot reloading a weapon and that several people were inside the bar who suffered from gunshot wounds. Dispatch then began broadcasting to responding units that they were getting multiple calls advising of a male subject shooting at the location.

At approximately 7:05:26 p.m., Orange County Fire Authority (OCFA) emergency personnel were dispatched to Cook's Corner. While en route, OCFA was advised that multiple shots were heard and there was the potential for multiple victims. As a result, one additional medic unit and two additional ambulances were dispatched.

OCSD Deputies Jesus Carrasco, Juan Contreras, Brandon Espinosa, and Espinosa's ride-along, Deputy Derek Martinez, were on patrol in the City of Mission Viejo and had stopped at a gas station to discuss dinner when they heard the dispatch call go out. Though the call was outside their patrol area, they began heading to Cook's Corner. They drove black and white patrol units equipped with emergency lighting equipment, spotlights, and PVS. All the deputies activated their BWC and PVS cameras. The three units left Mission Viejo together. Deputy Carrasco's vehicle was first in line, followed by Contreras and Espinoza. Deputy Carrasco's PVS captured the ensuing events.

At approximately 7:08:11 p.m., Deputy Carrasco, heading northbound on El Toro Road (which becomes Santiago Canyon at Cook's Canyon), was the first OCSD deputy to arrive on the scene. He contacted a witness, John Doe 11, on the side of Santiago Canyon Road, approximately one hundred yards south of Cook's Corner. John Doe 11 was using a light pole to protect himself from gunfire. John Doe 11 approached Carrasco's vehicle and stated the shooter was in the north upper parking lot of Cook's Corner by a gray truck with its doors open. Deputy Carrasco relayed the information to Deputy Contreras, who was now positioned to his left.

At approximately 7:08:29 p.m., Deputies Carrasco and Contreras drove forward and positioned their vehicles on Santiago Canyon Road, facing north, just west of Cook's Corner. Deputies Espinosa and Martinez pulled up behind Deputy Carrasco's vehicle as he exited his patrol unit and stood behind his open driver's side door. Deputy Carrasco looked at Deputy Espinoza and attempted to point toward the gray pickup in the upper parking lot. Deputy Carrasco armed himself with his department-issued Glock 17, Gen 5, 9mm pistol.

At approximately 7:08:35 p.m., Snowling had positioned himself in Cook's Corner's north upper parking behind Jane Doe 3's silver Ford 150, approximately 44 yards northeast of Deputies Carrasco, Contreras, Espinoza, and Martinez. From that position, he fired one shot with a shotgun toward the deputies.

At approximately 7:08:36 p.m., Deputy Carrasco advised dispatch via the police radio, "shots fired." Deputies Contreras and Espinoza armed themselves with their department-issued Glock 17, Gen 5, 9mm pistols.

At approximately 7:08:39 p.m., Deputies Espinoza, Contreras, and Carrasco, using their department-issued pistols, fired several rounds (approximately 22-25 rounds) in a north-easterly direction toward Snowling. Deputy Espinoza took cover behind Deputy Carrasco's driver's side and opened the door. Deputy Carrasco took cover behind the passenger side of his unit, and Deputy Contreras took cover behind his driver's side and opened the door.

Upon hearing the gunshot from Snowling, Deputy Contreras ducked down behind his vehicle's driver's side door in fear of getting shot in the head. In a voluntary interview with OCDASAU investigators, Deputy Contreras stated, "I got up and looked for him to see if I can get a good, um, a good sight, to shoot. Umm, I saw him peek around the left of the tree, and then that's when I started shooting at him."

As Snowling fired at the deputies, Deputy Espinoza told OCDASAU investigators "...we started getting rounds fired down towards us. So, then, to engage a target, I went towards the little cover I had with the door panel and used that as a cover. I was in fear for my life. I realized how close I was to getting shot."

At approximately 7:08:41 p.m., Snowling moved east across the parking lot and continued to fire at arriving deputies. Snowling moved to stand alongside the passenger side of a silver 2002 Toyota 4Runner, which was located on the east side of the upper lot.

Deputy Carrasco ran to the rear of his unit and leaned over behind the passenger side of his vehicle. He was concerned for his partners' and the public's safety. Deputy Carrasco stated, "I leaned out with a pistol and fired, uh, approximately nine rounds." Deputy Carrasco further stated, "So, I saw um, I saw the individual's head, upper torso, by a gray Toyota forerunner...he was carrying um; I thought it was a rifle. But it was black uh, weapon."

At approximately 7:09:00 p.m., Deputy Carrasco holstered his pistol and retrieved his department-issued BCM Rifle Company rifle from the back of his vehicle. He took a position on the rear passenger side of Contreras' vehicle and continued to fire toward Snowling.

At approximately 7:09:21 p.m., Deputy Serrano arrived in his marked police unit and parked on Live Oak just south of the south parking lot. As he pulled up, he was contacted by John Doe 6,

who was recording the events as well as directing the deputy to where Snowling was located. As Deputy Serrano ran up behind Deputy Espinoza's vehicle multiple shots were being fired at deputies. Deputy Serrano, armed with his department-issued Colt Defense, model M4 rifle, took a position on the rear passenger side of Espinoza's vehicle and fired his rifle in a north-easterly direction toward Snowling.

Deputy Serrano stated to OCDASAU investigators, "...there were already victims that were being, that had been shot, uh, I was scared for, uh, obviously myself. That-. It's-. This is the first time I've ever been in an OIS. So, the fact that I heard the shots and that I saw him there, I think he was shooting at us, and my partners and that's why I engaged with my rifle."

At approximately 7:09:30, Deputies Saunders and Moreno arrived in their unmarked police unit and stopped behind Deputy Espinoza's vehicle. The deputies, in statements to OCDASAU investigators, stated that they could hear multiple gunshots being fired.

At approximately 7:09:38 p.m., Deputy Moreno armed himself with his department-issued Colt Defense, model M4 rifle, and took a position behind the right passenger side of Carrasco's vehicle to look for the suspect. Moreno asked Saunders where the suspect was firing from, and Saunders pointed to the large oak tree north of their location in the upper parking lot. Moreno stated, "Soon as he said that, I saw the suspect pop out with a shotgun, um pointed the shotgun in our direction, I, went back to the unit I was behind um, at first and then that's when I popped out, and I put my sights on where the big tree was and I saw the suspect pop out with a shotgun pointed in our direction and I fired I believe three to five rounds at the suspect."

At approximately 7:09:49 p.m., Deputy Saunders armed himself with his department-issued Colt Defense, model M4 rifle, and took a position behind the open driver-side door of Carrasco's vehicle. Saunders stated, "...I go to the front patrol vehicle, the first responding one. And I observed there was a gunshot through the windshield. I observed there was a male down [John Doe 8], uh, in front of me that was bleeding, and I just continued to hear gunfire. Um, I was trying to get the location. Finally found out where the suspect was and um, observed him actively poking out like, aiming his shotgun. I observed he had a shotgun and he was aiming at us from both sides of the tree where he was taking cover from. And due to him actively pointing at us, I, I, I don't remember if there, you know, how many shots were fired at us. But I returned fire every time that I observed him pointing his shotgun at us."

At approximately 7:10:08 p.m., Deputy Harm arrived in his marked patrol unit and parked slightly behind and to the right of Deputy Carrasco's vehicle. Deputy Harm armed himself with his department-issued BCM Rifle Company rifle and took cover behind Carrasco's unit.

At approximately 7:10:33 p.m., PVS footage from Deputy Contreras' vehicle showed Snowling emerging from behind the passenger side of the Toyota 4Runner and firing his weapon as he moved toward the large oak tree located in the parking lot. While behind the tree, Snowling appeared to reload the shotgun. Snowling remained behind this tree as he continued to shoot at deputies. Snowling looked out from the west side of the tree before hiding behind it again. The deputies were continuously returning fire.

Deputy Harm, in an interview with OCDASAU investigators, stated "I took cover at the rear right of the vehicle, and then deputies were calling out the suspect's location, so they were saying he is by the, the black van and the tree. Uh, so at that point I put my rifle up on the tree, I saw the

suspect on one side of the tree, I saw a long gun and on the other side of the tree I saw the left side of his body and he was using the tree as cover and concealment while actively engaging with the other deputies that were hidden behind the patrol vehicle. Uh, so, he was facing those deputies, and then at that point, I saw him raise his shotgun and I fire, uh, four rounds from my patrol rifle...after firing those rounds, he immediately ducked behind the tree and I no longer saw him." He also stated, "I could hear the, the sounds of rounds flying past me and the, the cracks of gunfire in the air."

At approximately 7:11:53 p.m., Snowling pointed the shotgun along the west side of the tree and then dropped the weapon.

At approximately 7:12:47 p.m., Deputies Moreno, Serrano, and Harm, in an attempt to flank Snowling, ran through the front lot and around the east side of Cook's Corner to a hill located east of the upper lot.

At approximately 7:13:01 p.m., Snowling emerged from the tree's west side, briefly holding the shotgun. OCSD deputies fired multiple rounds at Snowling.

At approximately 7:13:04 p.m., Deputy Contreras, armed with a Remington model 870 shotgun, fired at Snowling.

At approximately 7:13:16 p.m., Deputy Contreras fired a second shotgun round at Snowling.

At approximately 7:13:23 p.m., Deputy Contreras, standing behind the driver's side of his vehicle, opened the passenger door and yelled, "Drop the fucking gun!" He then fired another round at Snowling's location.

At approximately 7:13:26 p.m., OCFA personnel arrived on the scene but were held back due to the ongoing gun battle.

At approximately 7:13:40 p.m., Snowling emerged from the west side of the tree and appeared to be pointing a weapon directly at Deputy Contreras. Simultaneously, Deputy Contreras and other deputies began firing in Snowling's direction. Snowling appeared to fall along the east side of the tree he used as cover.

At approximately 7:17:07 p.m., approximately 17 OCSD deputies approached Snowling, walking north on Santiago Canyon Road toward the upper lot.²

At approximately 7:18:38 p.m., OCSD deputies contacted Snowling, who was prone along the northeast side of the tree. Snowling appeared nonresponsive and was bleeding from the left side of his head and the upper left side of his chest. There was a shotgun lying near Snowling's feet. Deputy Jessie Dornbush contacted Snowling and placed him in handcuffs. Deputy Deanna Lopez removed the shotgun from near Snowling's feet. Deputies assessed Snowling's injuries and determined that he was not breathing, did not have a pulse, and that there were no signs of life. Deputy Lopez removed a loaded Beretta 950B, .25 caliber semi-automatic pistol from Snowling's back left pants pocket.

² Numerous OCSD deputies arrived after Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras. These deputies, however, did not discharge their firearms.

Once Snowling was secured, deputies began assessing the mass casualty inside and outside Cook's Corner. Deputies began administering emergency medical aid to the victims located inside the restaurant.

At approximately 7:19:24 p.m., OCSD deputies determined that John Doe 8 was [REDACTED] and he was moved from the ramp to the east shoulder of Santiago Canyon Road and the driveway of the front parking lot.

At approximately 7:20:56 p.m., OCSD deputies moved Jane Doe 1 from inside Cook's Corner to the front parking lot area in order to provide emergency medical aid.

At approximately 7:21:50 p.m., Jane Doe 2 was carried into the front parking lot/street area where she continued to receive emergency medical treatment.

At approximately 7:35:42 p.m., an OCFA paramedic made contact with Snowling and found Snowling unresponsive. Snowling had an apparent gunshot wound on his head and was apneic. Snowling had no heart tone, no palpable pulse, and apparent lividity.

At approximately 7:40 p.m., the OCFA pronounced Snowling deceased.

AUTOPSY

On Friday, August 25, 2023, at approximately 11:09 a.m., Orange County Coroner's Office Forensic Pathologist Doctor Scott Luzi conducted the post-mortem examination of Snowling at the Orange County Sheriff-Coroner Forensic Science Center.

An OCCL Forensic Specialist (FSP) took digital color photographs. An OCCL Forensic Scientist (FS) collected and retained the following evidence:

- Blood Standard
- Bullet fragment and lead and copper fragments located in the posterior scalp

Dr. Luzi concluded that Snowling sustained the following injuries:

- Gunshot wound to the head in front of the left ear
- Gunshot wound to the left lateral chest
- Gunshot wound to the lateral left arm
- Blunt force injuries over the left forehead and chin

Dr. Luzi indicated the tentative cause of death was a fatal gunshot wound located next to the left ear.

On January 18, 2024, Dr. Luzi issued a final report. Dr. Luzi indicated the cause of death was a gunshot wound to the head, and the manner of death was a homicide.

EVIDENCE COLLECTED

The roadway north of Live Oak Canyon Road and Santiago Canyon Road was cordoned off by yellow police tape, and uniformed OCSD personnel were stationed to prevent access to and preserve evidence within the scene.

The incident was divided into six separate scenes:

- Scene 1 – Inside Cook's Corner.
- Scene 2 – [REDACTED] - located on the patio east of Cook's Corner.
- Scene 3 – [REDACTED] - located on the northbound lane of Santiago Canyon Road, just north of the intersection with Live Oak Canyon Road.
- Scene 4 – [REDACTED] - located on the northwest driveway of the parking lot, along the east shoulder of the northbound traffic lane of Santiago Canyon Road.
- Scene 5 – Decedent Snowling - located in the north upper parking lot.
- Scene 6 – Santiago Canyon Road - located west of Cook's Corner, where the deputy-involved shooting occurred.

Scenes 5 and 6 were the scenes related to the OIS incident.

SCENE 5 – UPPER PARKING LOT

Vehicles – Scene 5

There were six vehicles parked along the west side and six parked along the east side of the upper parking lot:

Vehicle #1 – 2011 Ford 150, silver, four-door pickup truck, California license number [REDACTED]. The vehicle was the furthest south of all the vehicles parked along the west side. The vehicle appeared to be struck by gunfire. This vehicle was registered to Jane Doe 3.

Vehicle #2 – 2003 Jeep Wrangler, red, two-door soft-top, California license number [REDACTED]. The vehicle was parked facing east, north of Vehicle #1, in the row of vehicles parked on the west side of the parking lot. The vehicle appeared to be struck by gunfire.

Vehicle #3 – 2023 Mazda CX-50, tan, four-door sport utility vehicle, California license [REDACTED]. The vehicle was unoccupied and parked facing east, north of vehicle #2, in the row of vehicles parked on the west side of the parking lot. The vehicle was locked at the time of the shooting and it appeared it was not struck by gunfire.

Vehicle #4 – 2023 Mazda CX-50, blue, four-door sport utility vehicle, California license [REDACTED]. The vehicle was unoccupied and parked facing east, north of vehicle #3, in the row of vehicles parked on the west side of the parking lot. The vehicle was locked at the time of the shooting and it appeared it was not struck by gunfire.

Vehicle #5 – 2015 Ford 350, silver, four-door pickup truck, Ohio license number [REDACTED] John Snowling was the registered owner. The vehicle was parked facing east, north of Vehicle #4, in the row of vehicles parked on the west side of the parking lot. The vehicle was unlocked at the time of the shooting and it was not struck by gunfire.

Vehicle #6 – 2015 Toyota Rav4, gray, four-door sport utility vehicle, California license [REDACTED]. The vehicle was unoccupied and parked facing west, north of vehicle #5, in the row of vehicles parked on the west side of the parking lot. The vehicle was locked at the time of the shooting and it appeared it was not struck by gunfire.

Vehicle #7 – 2006 Toyota Scion XB, gray, four-door, hatchback, California license number [REDACTED]. The vehicle was parked facing west in the rows of vehicles parked on the east side of the parking lot. The vehicle appeared to be struck by gunfire.

Vehicle #8 – 2003 Ford Taurus, gray, four-door, California license number [REDACTED]. The vehicle was parked facing east, south of Vehicle #7, in the row of vehicles parked on the east side of the parking lot. The vehicle appeared to be struck by gunfire.

Vehicle #9 – 2002 Honda Civic, silver, four-door sedan, California license [REDACTED]. The vehicle was unoccupied and parked facing west, south of Vehicle #8, in the row of vehicles parked on the east side of the parking lot. The vehicle was locked at the time of the shooting and it appeared it was not struck by gunfire.

Vehicle #10 – 2002 Toyota 4Runner, silver, four-door, California license number [REDACTED]. The vehicle was parked facing west, south of Vehicle #9, in the row of vehicles parked on the east side of the parking lot. The vehicle appeared to be struck by gunfire.

Vehicle #11 – 2004 Lincoln Navigator, red, four-door sport utility vehicle, Californian license [REDACTED]. The vehicle was unoccupied and parked facing east, south of Vehicle #10, in the row of vehicles parked on the east side of the parking lot. The vehicle was locked at the time of the shooting and it appeared it was not struck by gunfire. Vehicle # 10 and Vehicle # 11 were separated by two picnic benches located east of the large tree where Snowling's body was located.

Vehicle #12 – 2008 GMC passenger van, black, California license number [REDACTED]. The vehicle was parked facing west, south of Vehicle #11, and the tree where Snowling was located. The vehicle appeared to be struck by gunfire.

Examination-Scene 5

There were two handguns, a Ruger LC380 .380 caliber semi-automatic and a Smith and Wesson .38 caliber revolver on the driver's seat of Snowling's vehicle. The Ruger had a fully seated magazine with the chamber and magazine empty. The Smith and Wesson had five expended cartridge cases inside the five-shot cylinder. There were picnic tables located east of the large tree where Snowling was located. One Mossberg pump action shotgun 12-gauge was leaning against the side of a picnic table. The shotgun magazine tube and the magazine shotshell carrier were empty. One Beretta, 950B, .25 caliber pistol was on top of the picnic table east of the shotgun. The Beretta contained a cartridge in the chamber, and the seated magazine contained eight cartridges. The shotgun and the three recovered handguns were all registered to Snowling.

Shotgun wads, expended shotgun shells, casings, and bullet fragments were located in Scene 5. Evidence markers (EM) #1-32 and #36 were all located within the area encompassing Scene 5. A bullet fragment EM #60 was located on the hillside between the upper and north parking lots.

Evidence Collection-Scene 5

An OCCL FS collected multiple items of evidence. The items were collected and indexed under the following EM numbers:

- EM #1 - Two pistols, a Ruger LC380 semi-automatic, serial # [REDACTED] and Smith & Wesson .38 caliber revolver, serial # [REDACTED]
- EM #2 - One .380 cartridge

- EM #3 and #4 - Two red expended 12-gauge shotgun shells
- EM #5 - One apparent bullet fragment
- EM #6 - One gray expended shotgun shell
- EM #7 - One apparent bullet jacket
- EM #8 - One shotshell wad
- EM #9 - One gray expended 12-gauge shotgun shell
- EM #10 - One apparent shotshell wad
- EM #11 through #13 - Four red expended 12-gauge shotgun shells
- EM #14 - One blue denim baseball cap with one apparent bullet fragment
- EM #15 - One apparent bullet fragment
- EM #16 - One red expended 12-gauge shotgun shell
- EM #17 through #19 - Three shotshell wads
- EM #20 - One apparent bullet fragment
- EM #21 - One Mossberg pump action 12-gauge shotgun, serial # [REDACTED]
- EM #22 - One Beretta 950B, .25 caliber semi-automatic pistol, serial # [REDACTED]
- EM #23 and #26 - Two bullet projectiles
- EM #24 and #28 - Two apparent shotshell wads
- EM #25, #27 and #32 - Three apparent bullet fragments
- EM #29 through #31 - Three red expended 12-gauge shotgun shells
- EM #36 - One gray expended 12-gauge shotgun shell

SCENE 6 – SANTIAGO CANYON ROAD

Vehicles – Scene 6

There were 10 OCSD police vehicles and four civilian vehicles within the Scene 6 perimeter. The following vehicles were relevant to the OIS:

Vehicle #3 – 2019 Ford Explorer, black, four-door black, OCSD unmarked vehicle number 2566, California vehicle license number 1555078. This police patrol vehicle was parked on Santiago Canyon Road, facing southeast, blocking both the southbound lane and the bicycle lane. The vehicle's doors were closed, and all the lights were off. Deputy Saunders drove the vehicle. Deputy Moreno was the passenger.

Vehicle #6 – 2020 Ford Explorer, black and white, four-door, OCSD vehicle number 2659, California vehicle license number 1601883. This police patrol vehicle was parked on Santiago Canyon Road, facing north, adjacent to the northbound bicycle lane, west of Cook's Corner, directly in front of Vehicle #5. The vehicle's doors were closed, and all lights were off. There was a 12-gauge shotgun locked in the rifle rack between the driver and front passenger seat. The shotgun appeared to have six rounds of shells stacked in an elastic sleeve along the stock. Deputy Espinosa drove the vehicle. Deputy Martinez was the passenger.

Vehicle #7 – 2016 Ford Explorer, black and white, four-door, OCSD vehicle number 2984, California vehicle license number 1514698. This police patrol vehicle was parked on Santiago Canyon Road, facing south, in the northbound bicycle lane, north of the north parking lot entrance into Cook's Corner. The vehicle's doors were closed, and all lights were off. The vehicle was moved following the shooting incident. This vehicle was later photographed at the OCSD Mission Viejo station. There was a blue, expended "12 GA" shotgun shell located on the driver's side

floorboard. There was no shotgun locked in the rifle rack between the driver's and front passenger's seats of the vehicle. Deputy Contreras drove the vehicle.

Vehicle #8 – 2016 Ford Explorer, black and white, four-door, OCSD vehicle number 2989, California vehicle license number 1509796. This police patrol vehicle was parked on Santiago Canyon Road, facing northwest, blocking both the southbound lane and bicycle lane north of Vehicle #4. The vehicle's doors were closed, and all the lights were off. There was an apparent bullet strike (Photo Marker DB) to the front driver's side windshield and a broken black rear quarter panel cover. There was also an apparent bullet strike to the driver's side A-Pillar (Photo Marker DG). This vehicle was moved following the shooting incident. There was no shotgun locked in the rifle rack between the driver's and front passenger's seats of the vehicle. There was a BCM Rifle Company, BCM4 .223 semi-automatic rifle in the rear trunk, serial #A083139, on a green rifle bag carrier. This rifle had a magazine inserted containing twenty-nine (29) cartridges with the headstamp "SPEER 17 223 REM." There were two additional, empty, "PMAG 30" rifle magazines (5.56x45) located in the green rifle bag. Deputy Carrasco drove the vehicle.

Scene Examination

Evidence items such as bullet fragments, casings, cartridges, and shotgun wads were recovered on the asphalt in the northbound and southbound lanes of Santiago Canyon Road. EM #33-35 and #37-116 were all located along the area encompassing Scene 6.

Evidence Collection

An OCCL FS collected multiple items of evidence. The items were collected and indexed under the following EM numbers:

- EM #33 and #35 - Two bullet projectiles
- EM #34 - One black "ADDLEMEN" baseball cap
- EM #37 - One shotshell wad
- EM #38 - One bullet fragment
- EM #39 - One shotshell wad
- EM #40 - One blue expended 12-gauge shotgun shell case
- EM #41 - Two cartridge cases, headstamp "FC 9MM LUGER."
- EM #42 - One cartridge case, headstamp "FC 9MM LUGER."
- EM #43 - Two cartridge cases, headstamp "FC 9MM LUGER."
- EM #44 - One cartridge case, headstamp "FC 9MM LUGER."
- EM #45 - One cartridge case, headstamp "SPEER 20 223 REM"
- EM #46 - Two cartridge cases, headstamp "FC 9MM LUGER."
- EM #47 - One non-fired cartridge, headstamp "FC 9MM LUGER."
- EM #48 - One blue expended 12-gauge shotgun shell case
- EM #49 - One non-fired cartridge, headstamp "FC 9MM LUGER."
- EM #50 - One cartridge case, headstamp "SPEER 17 223 REM"
- EM #51 - Two pistol magazines and one rifle magazine
- EM #52 - One cartridge, headstamp "SPEER 17 223 REM"
- EM #53 - One cartridge case, headstamp "FC 9MM LUGER."
- EM #54 - One blue expended 12-gauge shotgun shell case
- EM #55 through #57 - Three cartridge cases, head stamped "SPEER 20 223 REM"
- EM #58 - Three cartridge cases, headstamp "SPEER 20 223 REM", "SPEER 21 223 REM", "FC 9MM LUGER"
- EM #59 - Four cartridge cases, headstamp "SPEER 20 223 REM", one "FC 9MM LUGER"

- EM #60 - One apparent bullet fragment
- EM #61 - One cartridge case, headstamp "SPEER 20 223 REM", three "FC 9MM LUGER"
- EM #62 - two cartridge cases, headstamp "SPEER 20 223 REM", two
- EM #63 and #64 - Eight cartridge cases, headstamp "FC 9MM LUGER"
- EM #65 through #109 - 50 cartridge cases, headstamp "FC 9MM LUGER", one cartridge case, headstamp "SPEER 16 223 REM", 27 cartridge cases, headstamp "SPEER 17 223 REM", 10 cartridge cases, headstamp "SPEER 18 223 REM", 47 cartridge cases, headstamp "SPEER 20 223 REM", and 12 cartridges cases, headstamp "SPEER 21 223 REM"
- EM #110 - One black flex-fit "RVCA" baseball cap
- EM #111 - Three apparent bullet fragments on the lower east patio
- EM #112 - One apparent bullet fragment on lower east patio picnic table
- EM #113 - One apparent bullet fragment on the ground near Vehicle #11 in the upper parking lot area
- EM #114 - One shotshell wad in the dirt berm south of the upper parking lot
- EM #115 - Two cartridge cases, headstamp "SIG SAUER .380 AUTO" in the front parking lot
- EM #116 - One cartridge case, headstamp "SIG SAUER .380 AUTO" in the front parking lot.

OCCL FSPs took digital color photographs at scenes 5 and 6.

OFFICER PROCESSING

At approximately 10:43 p.m., OCCL FSPs processed and photographed the following OCSD deputies at the OCSD Lake Forest Substation:

- Brandon Saunders
- Christian Moreno
- Brandon Espinosa
- Daniel Serrano
- Mathew Harm
- Jesus Carrasco
- Juan Contreras

Deputy Brandon Saunders

Deputy Saunders wore a green utility uniform. The uniform consisted of a short-sleeved shirt adorned with "Orange County Sheriff" patches on both shoulders, utility pants, and black boots. Saunders wore an external ballistic vest. There was a cloth "Orange County Deputy Sheriff" badge on the left breast and a cloth nametag, "B. Saunders," above the right breast just below a cloth American flag patch. A large cloth "SHERIFF" tag was on the center upper rear of his external ballistic vest. A black Axon BWC was attached to the front center of his external ballistic vest. Deputy Saunders carried a pocketknife in his right front magazine pocket and a black flashlight in his left front magazine pocket. Deputy Saunders had no visible injuries.

Deputy Saunders had the following equipment on his black nylon Sam Browne gun belt:

- Handgun holster on the right side, containing a Smith & Wesson, M&P9, model M2.0, 9mm semi-automatic pistol, serial #NEU9768 outfitted with a Streamlight TLR-1 HL mounted flashlight.

- Two Smith & Wesson, 9mm caliber, seventeen 17-round capacity magazines. Each magazine had 17 cartridges.
- One handcuff case
- ASP collapsible baton in holder
- Two key rings with keys

Deputy Saunders had the following equipment on his exterior ballistic vest:

- Radio in holder
- Axon Taser, model XP, serial #X120066W6 in holster
- Axon BWC
- Black tourniquet

Deputy Saunders' Smith & Wesson pistol had one cartridge in the chamber with a headstamp of "FC 9MM LUGER." There was a 17-cartridge capacity magazine seated in the firearm which contained 17 9mm cartridges with a headstamp of "FC 9MM LUGER." Deputy Saunders did not discharge his pistol during the incident. At the time of the incident, Deputy Saunders was armed with and fired his patrol rifle.

At the conclusion of the processing, it was determined that no 9mm cartridges were missing from Deputy Saunders' semi-automatic pistol. Deputy Saunders' Colt M4 Carbine rifle, serial #CR209124, was later collected by the OCCL at the OCSD Southeast substation armory located at 20202 Windrow Drive, Lake Forest.

Deputy Christian Moreno

Deputy Moreno wore a green utility uniform, which consisted of a long-sleeved shirt adorned with "Orange County Sheriff" patches on both shoulders, utility pants, and black boots. Deputy Moreno wore an external ballistic vest. There was a cloth "Orange County Deputy Sheriff" badge on the left breast and a cloth nametag, "C. Moreno," above the right breast. A large cloth "SHERIFF" tag was on the center upper rear of his external ballistic vest. Deputy Moreno wore a BWC on the front of his external ballistic vest underneath his Taser on the lower left-hand side. Deputy Moreno had no visible injuries.

Deputy Moreno had the following equipment on his black nylon Sam Browne gun belt:

- Handgun holster on the right side, containing a Staccato, model P, 9mm semi-automatic pistol, Serial #P2133720 outfitted with a Surefire V300 Turbo mounted flashlight and a Delta Point Pro optic.
- Two Staccato, 9mm caliber, 17-round capacity magazines. Each magazine had 17 cartridges with the headstamp "SPEER LUGER +P 9mm."
- One handcuff case
- One key ring

Deputy Moreno had the following equipment on his exterior ballistic vest:

- Radio in holder
- Axon Taser, model XP, serial #426TAS006
- Axon BWC
- Black tourniquet

- Black ASP collapsible baton

Deputy Moreno's Staccato pistol had one cartridge in the chamber with a headstamp of "SPEER LUGER PLUS P 9mm." There was a 20-cartridge capacity magazine seated in the firearm, which contained 19 9mm cartridges with a headstamp of "SPEER LUGER +P 9mm." At the time of the incident, Deputy Moreno did not discharge his pistol during the incident. At the time of the incident, Deputy Moreno was armed with and fired his patrol rifle.

At the conclusion of the processing, it was determined that no 9mm cartridges were missing from Deputy Moreno's semi-automatic pistol. Deputy Moreno's Colt M4 Carbine rifle, serial#A0401962, was later collected by the OCCL at the OCSD Southeast substation armory located at 20202 Windrow Drive, Lake Forest.

An OCCL FSP collected the following evidence from Deputy Moreno:

- One 30-round capacity rifle magazine with 19 .223 cartridges

Deputy Brandon Espinosa

Deputy Espinosa wore a green utility uniform, which consisted of a long-sleeved shirt adorned with "Orange County Sheriff" patches on both shoulders, utility pants, and black boots. Deputy Espinosa wore an external ballistic vest. There was a cloth "Orange County Deputy Sheriff" badge on the left breast and a cloth nametag, "B. Espinosa," above the right breast just below a cloth American flag patch. A large cloth "SHERIFF" tag was on the center upper rear of his external ballistic vest. A black Axon BWC was attached to the front center of his external ballistic vest. Deputy Espinosa had no visible injuries. Deputy Espinosa had what appeared to be dried blood on the right knee portion of his pant leg.

Deputy Espinosa had the following equipment on his black leather basket weave Sam Browne gun belt:

- Handgun holster with thigh strap on the right side, containing a Glock 17, Gen 5, 9mm, semi-automatic pistol, serial #BMBD734, outfitted with a Surefire X300 Ultra mounted flashlight and Trijicon SRO sights. Attached to the front of the holster was a tourniquet attachment containing a black tourniquet.
- A pepper spray canister inside a holster
- Black retractable key chain containing keys
- One black leather handcuff case containing handcuffs
- ASP collapsible baton in leather holder
- Two black nylon magazine pouches, empty

Deputy Espinosa had the following equipment on his exterior ballistic vest:

- Utility pouch
- Radio in holder
- Axon Taser, model XP, serial #405TAS003 in holster
- Axon BWC
- Black tourniquet

Deputy Espinosa's Glock pistol had one cartridge in the chamber with a headstamp of "LUGER 9MM FC." There was a 17-cartridge capacity magazine seated in the firearm, which contained five 9mm cartridges with a headstamp of "LUGER 9MM FC." Deputy Espinosa had two Glock 17-round capacity magazines. One magazine was empty; the other magazine had seven cartridges with a headstamp of "LUGER 9MM FC."

When loading his pistol, Deputy Espinosa stated that he believed he had chambered a single cartridge from the magazine before loading the magazine to capacity, meaning his Glock pistol contained eighteen 18 cartridges prior to the incident.

At the conclusion of the processing, it was determined that 39 9mm cartridges were missing from Deputy Espinosa's pistol and extra magazines.

An OCCL FSP collected the following evidence from Deputy Espinosa:

- Glock 17, Gen 5, 9mm, semi-automatic pistol serial #BMBD734, one cartridge from the chamber
- One magazine with five 9mm cartridges
- One empty magazine
- One magazine with seven 9mm cartridges

Deputy Daniel Serrano

Deputy Serrano wore a green utility uniform, which consisted of a long-sleeved shirt adorned with "Orange County Sheriff" patches on both shoulders, utility pants, and black boots. Deputy Serrano wore an external ballistic vest. There was a cloth "Orange County Deputy Sheriff" badge on the left breast and a cloth nametag, "D. Serrano," above the right breast just below a cloth American flag patch. A large cloth "SHERIFF" tag was on the center upper rear of his external ballistic vest. A black Axon BWC was attached to the front center of his external ballistic vest. Deputy Serrano had no visible injuries.

Deputy Serrano had the following equipment on his black basket weave leather Sam Browne gun belt:

- Handgun holster with thigh strap on the right side, containing a Glock 17, Gen 5, 9mm, semi-automatic pistol, serial #BMBD782, outfitted with a Surefire X300 Ultra mounted flashlight. Attached to the side of the holster was a tourniquet attachment containing a black tourniquet.
- On the thigh strap near the gun was a black pepper spray holder containing pepper spray
- Black leather handcuff pouch with handcuffs
- Metal key ring clip containing keys
- Black leather magazine pouch containing three magazines
- Black leather baton ring, empty
- Black holster containing a Taser
- Black baton holder containing ASP collapsible baton

Deputy Serrano had the following equipment on his exterior ballistic vest:

- Flashlight in holder
- Axon BWC

- Handheld radio in holder with a lapel microphone cord affixed to the left side of his external ballistic vest at chest level
- PVS microphone on the right side of the external ballistic vest
- One pouch on the right front side of the external ballistic vest

Deputy Serrano's Glock 17 pistol had one cartridge in the chamber with a headstamp of "FC 9MM LUGER." There was a 17-cartridge capacity magazine seated in the firearm, which contained 17 9mm cartridges with a headstamp of "FC 9MM LUGER." Deputy Serrano did not discharge his pistol during the incident.

Deputy Serrano carried three additional 17-cartridge capacity magazines in magazine pouches located on the front left side of his Sam Browne belt. Each magazine contained 17 9mm cartridges with a headstamp of "FC 9MM LUGER."

At the time of the incident, Deputy Serrano was armed with and fired his patrol rifle.

Deputy Serrano stated the rifle was secured in Unit# 2655. Deputy Serrano advised there was also one empty magazine and one fully loaded magazine (not used) in Unit #2655. The OCCL later collected Deputy Serrano's Colt M4 Carbine rifle serial #CR201844 inside Unit #2655. At the conclusion of the processing, it was determined that no 9mm cartridges were missing from Deputy Serrano's pistol.

Deputy Mathew Harm

Deputy Harm wore a green utility uniform, which consisted of a long-sleeved shirt adorned with "Orange County Sheriff" patches on both shoulders, utility pants, and black boots. Deputy Harm wore an external ballistic vest. A cloth "Orange County Deputy Sheriff" badge was on the left breast, and a cloth nametag, "M. Harm," above the right breast. A large cloth "SHERIFF" tag was on the center upper rear of his external ballistic vest. Deputy Harm's BWC was on the center of his external ballistic vest. A small amount of apparent dried blood was found on Deputy Harm's right pant leg below the knee. Deputy Harm had no visible injuries.

Deputy Harm had the following equipment on his black nylon Sam Browne gun belt:

- Handgun holster with thigh strap on the right side, containing a Glock 17, Gen 5, 9mm, semi-automatic pistol, serial #BMBD275, outfitted with a Surefire X300 Ultra mounted flashlight. Attached to the front-facing side of the holster was a tourniquet attachment containing a black tourniquet.
- Two 17-round capacity magazines, each containing 17 "FC 9MM LUGER" cartridges.
- One handcuff case
- One key ring

Deputy Harm had the following equipment on his exterior ballistic vest:

- Radio in holder
- Axon Taser, model XP, serial #5559204
- Axon BWC
- Black ASP collapsible baton in holder
- Flashlight in holder
- Utility pouch

- Pepper spray

Deputy Harm's Glock pistol had one cartridge in the chamber with a headstamp of "FC LUGER 9mm." There was a 17-cartridge capacity magazine seated in the firearm, which contained 17 9mm cartridges with a headstamp of "FC 9MM LUGER." Deputy Harm did not discharge his pistol during the incident. At the time of the incident, Deputy Harm was armed with and fired his patrol rifle.

At the conclusion of the processing, it was determined that no 9mm cartridges were missing from Deputy Harm's pistol. Deputy Harm's BCM4 rifle, serial #A066572, was located inside Vehicle #10; it was collected by the OCCL.

Deputy Jesus Carrasco

Deputy Carrasco wore a green utility uniform, which consisted of a long-sleeved shirt adorned with "Orange County Sheriff" patches on both shoulders. Deputy Carrasco wore a black shirt underneath his uniform and an external ballistic vest. There was a cloth "Orange County Deputy Sheriff" badge on the left breast and a cloth nametag, "J. Carrasco," above the right breast just below a cloth American flag patch. A large cloth "SHERIFF" tag was on the center upper rear of his external ballistic vest. A black Axon BWC was attached to the front center of his external ballistic vest. Deputy Carrasco carried a pocketknife in his left front magazine pocket. Deputy Carrasco had one rifle magazine inside his left front pocket. Deputy Carrasco had no visible injuries.

Deputy Carrasco had the following equipment on his black leather basket weave Sam Browne gun belt:

- Handgun holster with thigh strap on the right side, containing a Glock 17, Gen 5, 9mm, semi-automatic pistol, serial #BMBD606, outfitted with a Surefire X300 Ultra mounted flashlight. Attached to the front of the holster was a tourniquet attachment containing a black tourniquet. A pepper spray inside of the holster is attached to the back side of the gun holster.
- Black retractable key chain containing keys
- Empty black leather key chain holder
- Black leather magazine pouch containing two magazines
- Baton ring holder, empty
- Two black leather handcuff cases containing handcuffs

Deputy Carrasco had the following equipment on his exterior ballistic vest:

- PVS microphone on the right side of the vest
- Pair of scissors
- Pouch on right side of vest containing cell phone and pens
- Axon BWC
- Magazine pouch on the center of the vest, just below the BWC, containing two pistol magazines
- Taser along the left side of the vest
- Hand-held radio in holder with a lapel microphone cord affixed to the left side of his external ballistic vest at shoulder level

Deputy Carrasco wore black sunglasses on top of his head. Deputy Carrasco's Glock pistol had one cartridge in the chamber with a headstamp of "FC 9MM LUGER." There was a 17-cartridge capacity magazine seated in the firearm, which contained 13 9mm cartridges with a headstamp of "FC 9MM LUGER." The magazine had an extender attached, which added capacity for another six 9mm cartridges. When loading his pistol, Deputy Carrasco stated that he chambered a single cartridge from the magazine before loading the magazine to capacity, meaning his Glock pistol contained 24 cartridges prior to the incident.

Deputy Carrasco carried two additional 17-cartridge capacity magazines in the magazine pouches located on the front left side of his Sam Browne belt. Each magazine contained 17 9mm cartridges with a headstamp of "FC 9MM LUGER." Deputy Carrasco carried two additional 17-cartridge capacity magazines in the magazine pouch on his external ballistic vest.

Deputy Carrasco had one 30-cartridge capacity rifle magazine in his front left pocket. The magazine contained four .223 cartridges with a headstamp of "SPEER 20 REM 223." Deputy Carrasco advised he loaded the magazine to 30 cartridges prior to the incident.

At the conclusion of processing, it was determined that 10 cartridges were missing from Deputy Carrasco's Glock pistol. It was also determined that 26 cartridges were missing from Deputy Carrasco's rifle magazine. Deputy Carrasco's BCM4 rifle, serial #A083139, was located inside Vehicle #8; it was collected by the OCCL.

An OCCL FSP collected the following evidence from Deputy Carrasco:

- Glock 17, Gen 5, 9mm, semi-automatic pistol S/N: BMBD606
- One Glock magazine with 14 9mm cartridges
- One rifle magazine with four 9mm cartridges

Deputy Juan Contreras

Deputy Contreras wore a green utility uniform, which consisted of a short-sleeved shirt adorned with "Orange County Sheriff" patches on both shoulders, utility pants, and black boots. Deputy Contreras wore a black long-sleeve shirt underneath his uniform and an external ballistic vest. There was a cloth "Orange County Deputy Sheriff" badge on the left breast and a cloth name tag, "J. Contreras," above the right breast just below a cloth American flag patch. A large cloth "SHERIFF" tag was on the center upper rear of his external ballistic vest. A black Axon BWC was attached to the front center of his external ballistic vest. Deputy Contreras had no visible injuries.

Deputy Contreras had the following equipment on his black nylon Sam Browne gun belt:

- Handgun holster with thigh strap on the right side, containing a Glock 17, Gen 5, 9mm, semi-automatic pistol, serial #BKZK655, outfitted with a Surefire X300 Ultra mounted flashlight. Attached to the front of the holster was a tourniquet attachment, containing a black tourniquet
- Black retractable key chain containing keys
- Black nylon handcuff pouch
- Black nylon magazine pouch, empty
- Black nylon pepper spray pouch with pepper spray
- Black nylon baton holder containing ASP collapsible baton

Deputy Contreras had the following equipment on his exterior ballistic vest:

- Flashlight in holder
- Handheld radio in holder with a lapel microphone cord affixed to the left side of his external ballistic vest at chest level
- Taser in a holder on the left side of the external ballistic vest
- Axon BWC
- PVS microphone in between his BWC and Taser
- One 17-round capacity magazine inside the magazine pouch next to the Taser
- One pouch on the left back side of the external ballistic vest containing first-aid items
- One nylon handcuff pouch on the right back side of the external ballistic vest

Deputy Contreras wore black sunglasses on top of his head. Deputy Contreras' Glock pistol had one cartridge in the chamber with a headstamp of "FC 9MM LUGER." There was a 17-cartridge capacity magazine seated in the firearm, which contained 10 9mm cartridges with a headstamp of "FC 9MM LUGER." When loading his pistol, Deputy Contreras stated that he chambered a single cartridge from the magazine before loading the magazine to capacity, meaning his Glock pistol contained eighteen 18 cartridges prior to the incident.

Deputy Contreras carried two additional 17-cartridge capacity magazines in the magazine pouch located on his Sam Browne belt. Both magazines were left at the scene of the incident. Deputy Contreras carried one additional 17-cartridge capacity magazine in the magazine pouch on his external ballistic vest. The magazine contained 17 9mm cartridges. Sixteen of those cartridges had a headstamp of "FC 9MM LUGER." One cartridge had a headstamp of "WIN 9MM LUGER." At the conclusion of processing, it was determined that seven cartridges were missing from Deputy Contreras' Glock pistol. Deputy Contreras advised he used the shotgun, which was left at the scene. Deputy Contreras' Remington Shotgun, serial #B097083M, was located inside Vehicle #8; it was collected by the OCCL.

An OCCL FSP collected the following evidence from Deputy Contreras.

- Glock 17, Gen 5, 9mm, semi-automatic pistol, serial #BKZK655 with accessories
- One Glock magazine with 11 9mm cartridges

OCCL FSPs took color digital photographs of the deputy processing.

EVIDENCE ANALYSIS

Toxicological Examination

A Sample of Snowling's post-mortem blood was collected and examined for the presence of illicit drugs and alcohol. [REDACTED]

Firearms Examination

The following firearms were all test-fired:

- Glock model 17, Gen 5, pistol serial #BMBD734 (Deputy Espinosa)
- Glock model 17, Gen 5, pistol serial #BKZK655 (Deputy Contreras)
- Glock model 17, Gen 5, pistol serial #BMBD606 (Deputy Carrasco)
- BCM Rifle Company, model BCM4 rifle serial #A066572 (Deputy Harm)

- Colt M4 Carbine rifle serial #CR201844 (Deputy Serrano)
- Remington model 870 Police shotgun serial #B097083M (Deputy Contreras)
- BCM Rifle Company, model BCM4 rifle serial #A083139 (Deputy Carrasco)
- Colt M4 Carbine rifle serial #CR209124 (Deputy Saunders)
- Beretta 950B pistol serial # [REDACTED] (Snowling)
- Ruger LC 380 pistol serial # [REDACTED] (Snowling)
- Smith and Wesson .38 revolver serial # [REDACTED] (Snowling)
- Mossberg (Maverick) model 88 shotgun, 12 gauge, serial # [REDACTED]
- Colt M4 Carbine rifle serial #A0401962 (Deputy Moreno)

All the firearms operated without malfunction, except Deputy Moreno's Colt M4 Carbine rifle, serial #A0401962. Deputy Moreno's rifle failed to properly feed one of the test fire cartridges into the chamber. The cartridge was subsequently cycled into the chamber and fired without further malfunction.

The bullet fragment removed from Snowling's posterior head was from a .223 Remington/5.56x45mm caliber jacketed hollow point or jacketed soft point bullet. The damaged bullet fragment was not suitable for comparison. The lead and copper fragments removed from Snowling's posterior head were not suitable for further classification.

SNOWLING'S PRIOR CRIMINAL HISTORY

Snowling [REDACTED]

STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a fatal 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.

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

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.

Penal Code section 835a further states that a police 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 efforts by reason of the resistance or threatened resistance of the person being arrested, nor shall such officer be deemed an aggressor or lose his 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 themselves 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, officers 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 is being arrested by a police 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 from attack if, as a reasonable person, he had grounds for believing and did believe that bodily injury was about to be inflicted upon him or upon another person. In doing so, such person may immediately use all force and means which he 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.)

In determining whether a person has acted in lawful self-defense, jurors may also consider whether the alleged victim has threatened or harmed others in the past, even if the person who is claiming self-defense was unaware of the alleged victim's prior acts. (Evid. Code, § 1103(a)(1); CALCRIM 3470.)

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.) Thus, 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.)

LEGAL ANALYSIS

With respect to this incident, the issue is whether the conduct of Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras on August 23, 2023, was criminally culpable and without justification. As stated above, in order to charge Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras with a criminal violation, it is required that the prosecution be able to prove beyond a reasonable doubt that no legal justification existed for their conduct. Therefore, in order to lawfully charge Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras with a crime, the prosecution must prove beyond a reasonable doubt that they did not act in lawful self-defense or defense of others. If the actions that day of the officers were justifiable as lawful self-defense or defense of others, then criminal charges will not be warranted.

As the Court of Appeal held in 1998, it is well-settled that

"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.' [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.'"

(*Edson v. City of Anaheim* (1998) 63 Cal.App.4th 1269, 1273 (quoting *Graham v. Connor, supra*, 490 U.S. at 396 and *Wirsing v. Krzeminski* (1973) 61 Wis.2d 513, 522.)

Where potential dangerous, emergency conditions or other exigent circumstances exist, the California Court of Appeal has noted that the United States Supreme Court's definition of reasonableness is comparatively generous to the police. (*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 528.) Quoting various United States Supreme Court and California appellate court precedent, the court in *Brown* noted that effectively,

"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."

(*Brown v. Ransweiler, supra*, 171 Cal.App.4th at 528 (internal citations and quotations omitted).)

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.

Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras were justified in believing that Snowling posed a significant threat of death or serious physical injury to themselves and others. This conclusion is based on the totality of the circumstances.

Before the OCSD deputies arrived at Cook's Corner, Snowling had already shot nine people, three fatally.

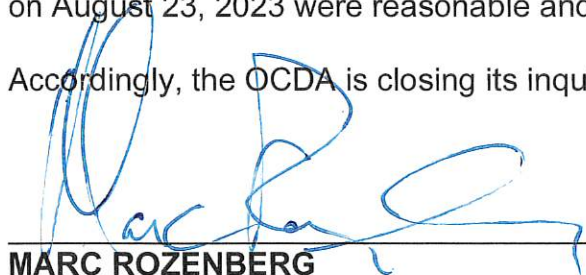
The deputies were responding to multiple dispatch reports of "shots fired" and possible victims. When the deputies arrived at the scene, one of the victims, John Doe 8, was visible, lying bleeding on the ramp to the upper parking lot. The deputies were then fired upon by Snowling, who continued to fire, on and off, at the deputies for approximately five minutes. Snowling refused to comply with Deputy Contreras' order to drop his guns and stop shooting at the deputies. Snowling was a lethal threat to the deputies and the civilians in the area.

In order for Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras to be justly and lawfully charged and convicted of a crime in this incident, it is the OCDA's burden to prove beyond a reasonable doubt that the deputies did not act in reasonable and justifiable self-defense or defense of another when they shot at Snowling. The prosecution would be unable to carry the burden in this case. A jury analyzing these facts would justly conclude that it was reasonable for each deputy to believe that his life, the life of his fellow deputies, and the lives of innocent civilians were in danger. Therefore, Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras were justified when they shot at Snowling and carried out their duties as peace officers 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 to prove criminal culpability on the part of Deputies Saunders, Moreno, Espinosa, Serrano, Harm, Carrasco, and Contreras, and there is substantial evidence that their actions during the incident on August 23, 2023 were reasonable and justified.

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



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READ AND REVIEWED BY STEVEN SCHRIVER

Assistant District Attorney
Special Prosecutions Unit

READ AND APPROVED BY DISTRICT ATTORNEY TODD SPITZER

T. Spitzer
4/20/2025