



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

April 20, 2026

Chief Robert Rodriguez
Santa Ana Police Department
60 Civic Center Plaza
Santa Ana, CA 92701

Re: Officer-Involved Shooting on January 1, 2025
Fatal Incident involving Henry Gonzalez, Jr.
District Attorney Investigations Case # SA 25-000001
Santa Ana Police Department Case # 25-00054
Orange County Crime Laboratory FR # 25-40012
Orange County Coroner's Office Case # 25-00086-BB
Orange County Fire Authority Case # 25-000467

Dear Chief Rodriguez,

Please accept this letter detailing the Orange County District Attorney's Office's (OCDA) investigation and legal conclusion in connection with the above-listed January 1, 2025, incident involving on-duty Santa Ana Police Department (SAPD) Officer Luis Casillas. Henry Gonzalez, Jr., age 55, died as a result of injuries sustained in this incident, which occurred in the City of Santa Ana.

OVERVIEW

This letter contains a description of the scope and the legal conclusions resulting from the OCDA's investigation of the January 1, 2025, fatal, officer-involved shooting (OIS) of Gonzalez. 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 Officer Casillas. 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 January 1, 2025, investigators from the OCDA Special Assignments Unit (OCDASAU) responded to this incident. During the course of their investigation, four witness and seven canvass interviews were conducted. OCDASAU investigators also obtained and reviewed the following: SAPD reports, audio dispatch and radio traffic recordings; audio recordings of canvass

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interviews; Orange County Crime Laboratory (OCCL) reports, including toxicology, forensic alcohol examination, latent print, officer processing and firearms examination reports; Orange County Coroner's Office (OCCO) reports; crime scene investigation photographs; medical records and photographs related to the injuries sustained by Gonzalez; criminal history records pertaining to Gonzalez; surveillance video recordings; and other relevant reports and materials. In addition, the SAPD officers involved in the OIS were wearing Body-Worn Cameras (BWCs) at the time of the incident. The BWCs were activated, and their recordings, which captured the events of this OIS, were collected and reviewed.

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 Officer Casillas 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 case agent 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 shootings and custodial death letters.

An important part of the investigation of an officer-involved shooting is attempting to obtain a statement from the involved officers. Officer Casillas declined to give a voluntary statement to OCDASAU. Percipient witness, SAPD Officer Lysette Murillo, gave a voluntary statement to OCDASAU investigators on January 2, 2025.

FACTUAL SUMMARY

Jane Doe 1 was a caregiver and was employed by Jane Doe 2. Both Jane Doe 1 and Jane Doe 2 resided at Jane Doe 2's residence located at 1101 West Sharon Road, Santa Ana.

The residence was a single-story home located on the north side of the street. The residence had a concrete driveway on the east portion of the property, which extended from the street, north toward the rear yard and detached garage. A carport extended from the house, covering the east side of the property. There was a door in the carport that led into the house. At the end of the driveway was a chain-link fence separating the driveway from the rear yard and garage. The residence had an exterior carport light that was on at the time of the incident.

On January 1, 2025, at approximately 7:50 p.m., Gonzalez visited his mother, Jane Doe 1, at the residence. Jane Doe 1 told OCDASAU investigators that Gonzalez was feeling discouraged following a recent job loss. Gonzalez remained with Jane Doe 1 for a short time before leaving the residence.

Gonzalez returned an hour later, but was now acting differently. Jane Doe 1 feared that Gonzalez had used drugs and was now under the influence, as he had used drugs in the past. Jane Doe 1 saw Gonzalez walk into the kitchen and retrieve what appeared to her to be a steak knife.

Jane Doe 1 asked Gonzalez, "Why do you want that knife?" Gonzalez did not reply. Gonzalez walked into a laundry room adjacent to the kitchen and began to repeatedly use the knife to cut his throat and stab his stomach. Jane Doe 1 was in shock as she asked Gonzalez, "What are you doing?" Jane Doe 1 called for Gonzalez to stop, but Gonzalez remained silent and continued to stab his stomach.

Jane Doe 1, fearing for Jane Doe 2's safety, woke Jane Doe 2 from her sleep and removed her from the residence. Jane Doe 1 escorted her to the residence of her neighbor, John Doe 1. Jane Doe 1 saw Gonzalez exit the residence, continuing to cut himself. Jane Doe 1 told Gonzalez she would call the police.

Jane Doe 1 contacted John Doe 1, requesting help and for him to call 911. Jane Doe 1 turned back toward the residence and contacted Gonzalez, who was now in the driveway. Jane Doe 1 pleaded with Gonzalez to give her the knife, but he refused.

John Doe 1 told OCDASAU investigators that he followed Jane Doe 1 outside as she walked back to her residence. John Doe 1 saw Gonzalez in the driveway of the residence, armed with a knife.

At approximately 8:42 p.m., SAPD Dispatch received a call from John Doe 1. John Doe 1 requested police to respond to the residence, reporting that Gonzalez was attacking Jane Doe 1, and that Gonzalez appeared to be on drugs. John Doe 1 said Gonzalez was armed with a knife. John Doe 1 provided Gonzalez's approximate age as 40 and stated that he was wearing a red shirt with blue pants.

At approximately 8:43 p.m., SAPD Officers Casillas and Murillo, who were jointly assigned to a marked SAPD patrol unit, were dispatched to 1101 West Sharon Road residence. They were advised it was for an "unknown disturbance," and that one of the parties was possibly armed with a knife. Officer Casillas was driving the unit, and Officer Murillo was the front passenger. Both officers were in uniform: dark blue long-sleeved shirts with SAPD patches on both arms, metal badges on their chests, long blue pants, and duty belts.

SAPD dispatchers remained on the line with John Doe 1 and received additional information that Gonzalez was now holding Jane Doe 1 at knife point in the driveway of the residence. SAPD

dispatch requested that Officers Casillas and Murillo expedite their response to the location; "Code 3" (emergency lights and siren activated).

John Doe 1 remained in contact with dispatchers and reported that both Gonzalez and Jane Doe 1 were in front of a silver sedan parked in the driveway. It appeared to John Doe 1 that Gonzalez was trying to go through Jane Doe 1's purse. John Doe 1 reported that Gonzalez was holding onto Jane Doe 1 and screaming. Officer Casillas and Officer Murillo were receiving constantly updated information from SAPD Dispatch, as provided by John Doe 1.

At approximately 8:50:23 p.m., Officer Casillas and Officer Murillo arrived at the front of 1101 West Sharon Road.

Jane Doe 1, who was being held by Gonzalez from behind, told OCDASAU investigators that she heard the police sirens as they were approaching, and saw the police car as it arrived at the residence. Jane Doe 1 said she told Gonzalez, "They're going to take you." Jane Doe 1 heard Gonzalez reply, "They're going to kill me."

At approximately 8:50:24 p.m., Officer Casillas parked the police unit, and he and Officer Murillo both exited the vehicle. Both officers had activated their BWCs, which captured the events of their encounter with Gonzalez. Officer Casillas exited the police unit and yelled toward Gonzalez, "Hey!" while drawing his firearm.

Jane Doe 1 said she recognized both Officer Casillas and Officer Murillo as police officers. Jane Doe 1 said Gonzalez continued speaking to her, saying, "They're going to kill me. The police is going to kill me." Jane Doe 1 recalled telling Gonzalez, "Well, let me go."

Officer Casillas' BWC captured Gonzalez standing behind Jane Doe 1 with his left arm underneath Jane Doe 1's left arm and waist, appearing to be holding her close. Gonzalez was holding a knife in his right hand. Gonzalez and Jane Doe 1 were approximately 75 feet away from Officer Casillas, at the front-right corner of a silver sedan parked facing northbound in the driveway. Officer Casillas moved north from the police unit along the east side of the driveway. Officer Casillas' BWC captured Officer Casillas commanding Gonzalez, "Let go of her, you're going to be shot." Officer Casillas had his firearm pointed directly at Gonzalez as he closed the distance, again commanding Gonzalez, "Let go of her, you're going to be shot."

At approximately 8:50:24 p.m., Officer Murillo's BWC captured her exiting the police unit, drawing her firearm, and commanding Gonzalez, "Hey. Let go." Both Gonzalez and Jane Doe 1 were facing Officer Casillas and Officer Murillo as the officers moved closer. However, the front right corner of the silver sedan partially blocked both Gonzalez and Jane Doe 1.

Jane Doe 1 said she could hear officers saying, "Let her go," and saw both Officer Casillas and Officer Murillo armed with firearms.

At approximately 8:50:32 p.m., Officer Casillas' and Officer Murillo's BWCs captured Jane Doe 1 saying, "He. He already got a knife," while being held by Gonzalez from behind.

Officer Murillo, in a voluntary interview with OCDASAU investigators, stated that she saw Jane Doe 1 and Gonzalez both with blood on their clothing. Officer Murillo saw that Gonzalez had a tight hold of Jane Doe 1 and noticed that Jane Doe 1 had a scared look on her face. Jane Doe 1 said she told Gonzalez to let her go several times, but he refused. Officer Murillo feared Jane

Doe 1 had been stabbed by Gonzalez. Officer Murillo never saw the knife, but knew Gonzalez was armed with one based on the radio call.

At approximately 8:50:34 p.m., Officer Murillo's BWC captured Officer Casillas moving away from her, west, behind the silver sedan parked in the driveway. Officer Casillas stopped at the front left driver door of the silver sedan, just west of Gonzalez and Jane Doe 1. Officer Casillas had his firearm raised to eye level as he appeared to be looking directly at Gonzalez and Jane Doe 1.

At approximately 8:50:35 p.m., Officer Casillas' BWC captured him reaching the "A" pillar of the driver's side of the parked silver sedan. Officer Murillo's BWC captured Officer Murillo broadcasting SAPD dispatch, "Alright, we have the male actively holding onto the elderly female; he's not complying with commands." Officer Murillo remained at the southeast corner of the silver sedan, with a firearm in hand, just south of Gonzalez and Jane Doe 1.

As Officer Murillo was broadcasting to SAPD Dispatch, Officer Murillo's BWC captured Officer Casillas commanding Gonzalez, "Let go of her." Officer Casillas' BWC captured Jane Doe 1 telling Gonzalez, "Let me go." Officer Casillas continued commanding Gonzalez, "Let go of her, let go of her." Officer Murillo said she felt Jane Doe 1 was being held against her will. Officer Murillo was in fear for Jane Doe 1's safety, and didn't know if she had been stabbed.

At approximately 8:50:42 p.m., Officer Casillas' BWC captured Gonzalez looking at Officer Murillo, who was south of him in the driveway, then toward Officer Casillas while saying, "You gotta use other words...." Officer Murillo told OCDASAU investigators that she heard Gonzalez say, "I'm ready to die."

At approximately 8:50:43 p.m., Officer Casillas' BWC captured Gonzalez mumbling unintelligible words while still holding Jane Doe 1. Jane Doe 1 said she heard Gonzalez say, "The police is going to kill me." Jane Doe 1 said she tried to free herself from Gonzalez and take away the knife, but she couldn't. Jane Doe 1 said she pleaded with Gonzalez to let her go and give her the knife, so the police would not do anything to him. Jane Doe 1 was moving her head from right to left as Gonzalez lowered his head toward Jane Doe 1, holding her close. Officer Casillas was commanding Gonzalez, "Let go of her or you're going to be shot." Gonzalez then turned his body north, shielded by Jane Doe 1, as Jane Doe 1's head was also turning north. Gonzalez began to move left, facing Officer Casillas, as he lowered his head toward Jane Doe 1 and continued to hold her at knifepoint and use her as a human shield.

At approximately 8:50:44 p.m., Officer Casillas' BWC captured Officer Casillas as he fired one round at Gonzalez. John Doe 1, who remained online with SAPD dispatch, was recorded by Dispatch saying, "They just shot him."

At approximately 8:50:47 p.m., Officer Casillas moved closer toward the front of the silver sedan as Gonzalez fell to the ground and released Jane Doe 1.

At approximately 8:50:50 p.m., Officer Casillas made a radio broadcast to SAPD dispatch, "Alright. 323...., 998 were gonna have one down, still with a knife, still in his hand." Officer Murillo moved toward Jane Doe 1 and escorted her away toward the street.

Within a minute, additional SAPD officers arrived to assist. SAPD officers maintained a safe distance from Gonzalez, as Gonzalez was supine on the ground, breathing, and still armed with the knife.

At approximately 8:52:00 p.m., SAPD requested emergency medical personnel.

SAPD Sergeant Elizabeth Granados oversaw officers as commands were given to Gonzalez, in both English and Spanish, to “Drop the knife.” Sergeant Granados developed a plan to safely approach Gonzalez and take him into custody. Sergeant Granados ordered SAPD Officer David Taroy to deploy two rounds from his less lethal 40mm foam launcher at Gonzalez to disarm him, but both were ineffective.

At approximately 9:04 p.m., SAPD officers moved toward Gonzalez to take him into custody. Gonzalez was disarmed and handcuffed, then moved to the front of the driveway. SAPD officers began examining Gonzalez and providing medical aid.

At approximately 9:08 p.m., Orange County Fire Authority (OCFA) Engine 71 arrived on the scene. OCFA paramedics assumed control of Gonzalez and began providing advanced medical care. Gonzalez was unresponsive, but breathing. Gonzalez had a gunshot wound to his head and lacerations to his lower torso.

At approximately 9:16 p.m., Gonzalez was stabilized and transported to UCIMC Emergency Room by Care Ambulance.

At approximately 9:22 p.m., Engine 71 arrived at UCIMC. Gonzalez was transferred into the care of UCIMC Emergency Room personnel. The UCIMC Surgical Intensive Care Unit examined Gonzalez and began evaluating further medical treatment and surgery.

On January 2, 2025, at approximately 1:20 a.m., an OCDASAU investigator spoke to a UCIMC Registered Nurse (RN) in the Surgical Intensive Care Unit (SICU). The RN stated that Gonzalez had a “catastrophic brain injury,” and a medical evaluation process was underway.

On January 4, 2025, at approximately 9:16 p.m., two UCIMC Medical Doctors declared Gonzalez brain dead and deceased.

AUTOPSY

On January 8, 2025, at approximately 9:00 a.m., OCCO Forensic Pathologist Doctor Nicole Ellis performed the post-mortem examination of Gonzalez at the Orange County Sheriff-Coroner Forensic Science Center.

An OCCL Forensic Specialist (SP) took 89 digital color photographs. An OCCL Forensic Scientist (FS) collected the following evidence:

- One bullet and bullet fragments.
- A deep tissue muscle standard.

After the Autopsy, Dr. Ellis concluded that Gonzalez sustained one gunshot wound to the right forehead.

Dr Ellis determined the cause of death to be a gunshot wound, and the manner of death was homicide. The National Association of Medical Examiners, the professional society of forensic pathologists and medicolegal death investigators, publishes the Guide for Manner of Death Classification. The Guide is used by the OCCL as a reference when deciding manner of death.

Non-natural causes of death are homicide, suicide, and accident. Homicide occurs when death results from a volitional act committed by another person to cause harm or death. The act does not have to be an illegal act to categorize the death as a homicide.

EVIDENCE COLLECTION – INCIDENT SCENE

An OCCL FS collected the following evidence from the scene:

- EM#1 – Clothing with apparent blood
- EM#2 – One cartridge case with headstamp “HORNADY 9MM LUGER”
- EM#3 – Two -eXact iMPact 40mm less lethal projectile cases, headstamp – “38 SHORT COLT”
- EM#4 – Two swabs of apparent blood
- EM#5 – One 40mm less lethal foam projectile
- EM#6 – One 40mm less lethal foam projectile
- PEM#7 – Two swabs, apparent blood / apparent hair
- EM#8 – One cellular phone (Retained by SAPD)
- EM#9 – One knife with apparent blood
- EM#10 – One white metal chain

An OCCL Forensic Specialist (FSP) took 223 digital photographs of the scene. An OCCL FS utilized a FARO scanner to produce a 3D scan of the scene.

EVIDENCE COLLECTION – HOSPITAL SCENE

An OCCL Lead Forensic Scientist (LFS) took 36 digital color photographs of the scene and Gonzalez’s body. No other evidence was collected.

OFFICER PROCESSING

Officer Luis Casillas

Officer Casillas wore a SAPD navy blue long-sleeved uniform with SAPD identification patches on both shoulders. Officer Casillas had a metal police badge affixed to his uniform above the left breast pocket. There was a metal nameplate above the right breast pocket. Officer Casillas had an earpiece in his right ear connected to his radio, and a BWC mount plate attached to the center of his chest. The BWC was docked prior to officer processing.

Officer Casillas’s duty weapon was a Glock, Model 17, Gen 5, 9mm, semi-automatic handgun. Before the OIS, Officer Casillas’s duty weapon was loaded to capacity with 17 cartridges and an additional cartridge in the chamber. All cartridges Officer Casillas had on his person had a headstamp with “HORNADY 9MM LUGER.”

During the round count, one cartridge was recovered from the chamber, and 16 cartridges were recovered from the magazine well. It was determined that one cartridge was missing from Officer Casillas’s pistol.

Officer Lysette Murillo

Officer Murillo wore a SAPD navy blue long-sleeved uniform with SAPD identification patches on both shoulders. Officer Murillo had a metal police badge affixed to her uniform above the left breast pocket. There was a metal nameplate above the right breast pocket. Officer Murillo had a BWC mount plate attached to the center of her chest. The BWC was docked prior to officer processing.

Officer Murillo's duty weapon was a Glock, Model 17, Gen 5, 9mm, semi-automatic handgun. Officer Murillo did not fire her duty weapon during the OIS.

EVIDENCE ANALYSIS

A sample of Gonzalez's postmortem blood was collected for testing. The OCCL examined the sample for the presence of drugs and alcohol. The following results and interpretations were documented:

Drug	Antemortem Blood
Methamphetamine	0.0560 + 0.0038 mg/L

FIREARMS EXAMINATION

An OCCL FS test-fired Officer Casillas's Glock 17 pistol. The Glock pistol was test-fired and operated without malfunction. The pistol was equipped with a functional trigger safety and a functional disconnecter. The barrel had a six-sided right twist polygonal rifling. A bullet was recovered during the autopsy of Gonzalez and compared to the Glock pistol belonging to Officer Casillas. Although the bullet shared the same characteristics as test fires from the Glock pistol, it could not be conclusively identified as having been fired from Officer Casillas' firearm due to damage and a lack of corresponding marks. The results of the comparison were inconclusive.

GONZALEZ'S PRIOR CRIMINAL HISTORY

Henry Gonzalez, Jr. had a State of California Criminal History record with arrests dating back to 1990 for the following violations:

- Domestic battery
- Delaying and obstructing a public officer
- Possession of a controlled substance
- Being under the influence of a controlled substance
- Carrying a concealed weapon in a vehicle
- Possession of a firearm in a public place
- Possession of a loaded firearm in a public place
- Petty theft
- Burglary
- Possession of controlled substance paraphernalia
- Willful cruelty to a child
- Assault with a deadly weapon
- Elder abuse
- False imprisonment
- Resisting/obstructing a public officer

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 public 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 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 the person would 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 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 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.)

The United States Supreme Court's analysis and teachings in *Graham* are very much applicable to the circumstances surrounding the interaction of Officer Casillas and Gonzalez.

LEGAL ANALYSIS

The facts in this case are determined by the relevant evidence collected and witnesses present at the incident.

The issue is whether the conduct of Officer Casillas on January 1, 2025, was criminally culpable and without justification. As stated above, in order to charge Officer Casillas 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 officers' conduct. Therefore, in order to lawfully charge Officer Casillas with a crime, the prosecution must prove beyond a reasonable doubt that the officers did not act in lawful self-defense or defense of others. If the actions of the officer 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 Brea* (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 potentially 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 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 Casillas was justified in believing that Gonzalez posed a significant threat of death or serious physical injury to others. This conclusion is based on the totality of the circumstances, including Gonzalez’s conduct in the moments leading up to the shooting.

Officer Casillas was dispatched Code 3 to a disturbance where Gonzalez was holding his mother at knife-point. When Officer Casillas arrived on the scene, he could see that Gonzalez held his mother from behind with a knife in his right hand. Jane Doe 1 was also telling the officer that Gonzalez had a knife, and there appeared to be blood on both Gonzalez and Jane Doe 1. Gonzalez was also acting and speaking erratically. He was warned numerous times to let Jane Doe 1 go, or he would be shot. He ignored those warnings. Gonzalez’s actions and the surrounding circumstances were such that an officer would believe that immediate action was required to save Jane Doe 1’s life.

For Officer Casillas 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 the officer did not act in reasonable and justifiable defense of others when he shot Gonzalez. 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 Officer Casillas to believe that Jane Doe’s life was in immediate danger. Therefore, Officer Casillas was justified when he shot Gonzalez and carried out his 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 to prove criminal culpability on the part of Officer Casillas, and there is substantial evidence that his actions were reasonable and justified when he shot Henry Gonzalez, Jr. on January 1, 2025.

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



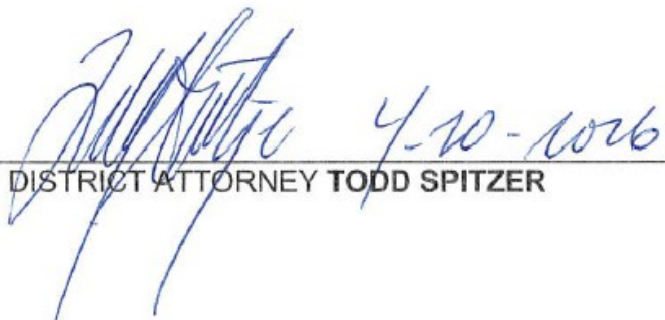
MARC ROZENBERG

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