

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF VENTURA

November 28, 2011

REPORT ON THE MAY 20, 2011  
FATAL SHOOTING OF  
MARIO LOPEZ  
BY OFFICER ERIC JACKSON OF THE  
VENTURA POLICE DEPARTMENT



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## TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	STATEMENT OF FACTS.....	2
	A.    May 20, 2011, DOMESTIC VIOLENCE INCIDENT.....	2
	B.    INITIAL CONTACT WITH OFFICER JACKSON.....	3
	C.    SHOOTING.....	4
	D.    ADDITIONAL POLICE RESPONSE AND INVESTIGATION.....	5
	E.    WITNESS STATEMENTS.....	6
	1.    OFFICER ERIC JACKSON.....	6
	2.    CORPORAL JON HIXSON.....	9
	3.    LUCKY LOPEZ.....	11
	4.    DEVON POZO.....	14
	5.    HANNAH ROSE.....	17
	6.    NORMA MORALES.....	18
	7.    TONYA BURES.....	19
	8.    RANDY COOPER.....	19
	9.    OTHER LAW ENFORCEMENT WITNESSES.....	20
	a.    SERGEANT TOM HIGGINS.....	20
	b.    OFFICER ANTHONY MORALES.....	20
	c.    VENTURA COUNTY SHERIFF’S SENIOR DEPUTY LUIS DE ANDA.....	21
III.	PHYSICAL EVIDENCE.....	21
	A.    CRIME SCENE.....	21
	B.    OFFICER JACKSON.....	23
	C.    CAUSE OF DEATH.....	24
	1.    CORONER’S REPORT.....	24
IV.	LEGAL PRINCIPLES.....	25
	A.    LAW OF HOMICIDE AND SELF DEFENSE.....	25
	B.    MARIO LOPEZ’S CRIMINAL CONDUCT.....	27
V.	ANALYSIS.....	27
VI.	CONCLUSION.....	29

## I. INTRODUCTION

On the evening of May 20, Ventura Police Officer Eric Jackson responded to a domestic violence call at 66 Leighton Drive in the County of Ventura. He encountered Mario Lopez inside the home. Lopez armed himself with a kitchen knife and retreated into the home, and Officer Jackson, worried that other people were in the home, followed Lopez inside. Mario Lopez charged Officer Jackson with the knife and Officer Jackson fatally shot Mario Lopez.

The District Attorney's Office has a 24-hour on-call officer-involved shooting team available to all Ventura County law enforcement agencies to assist in the investigation of officer-involved shootings. Senior Deputy District Attorney Christopher Harman (who authored this report) and District Attorney Investigator Greg Hayes responded to the shooting scene and consulted with the investigating officers.

The Ventura Police Department conducted a detailed investigation of the shooting, which included interviewing witnesses, collecting physical evidence, photographing the area of the shooting, and conducting interviews with the involved officer, Eric Jackson, as well as other personnel who responded to the scene. The Ventura Police Department investigation reports were then submitted to the District Attorney's Office for a determination of whether the shooting of Mario Lopez was justified and, if not, whether criminal charges should be filed. The scope of the District Attorney's review was limited to those issues.

The District Attorney's review included reviewing more than 490 pages of reports and documents, including interviews of police and civilian witnesses, diagrams, photographs, recorded interviews, records of radio transmissions, interviews of civilian and expert witnesses, and examining the scene of the shooting.

Based on the information available for review, the District Attorney's investigation, and the applicable legal authorities, it is the opinion of the District Attorney that Officer Eric Jackson acted lawfully when he shot at Mario Lopez and that Lopez's resulting death was a justifiable homicide.

## **II. STATEMENT OF FACTS**

In 1994, Mario Lopez was convicted of robbery in federal court and eventually served time in federal prison. His recent brushes with the law had been domestic violence, use of controlled substances, and a May 7, 2011, arrest for DUI. During that arrest, he was verbally abusive to the officer and told him to "just go ahead and shoot me."

Mario and Lucky Lopez were married in 2009. Their relationship was very volatile and included several incidents of domestic violence. In August 2010, Lucky Lopez sought a restraining order against Mario Lopez based on domestic violence, but never had it served on him.

Mario Lopez had been hospitalized in 2010 for a suicide attempt where he had consumed numerous medications and told responding officers that "I'm tired of living." Prior to May 20, 2011, he had told several relatives that he was tired and if he ever got into a fight with his wife, the cops would have to "take him out" because he would not go back to prison.

### **A. MAY 20, 2011, DOMESTIC VIOLENCE INCIDENT**

Mario and Lucky Lopez moved into their home on 66 Leighton Drive on May 13, 2011. On May 20, 2011, they were decorating the home and drinking throughout the day. At some point, Mario Lopez used methamphetamine. Lucky Lopez and Mario Lopez began to fight over his use of drugs. Mario Lopez acted as though he was hallucinating, accusing Lucky Lopez of having sexual relations in front of him with another man. Mario Lopez reached into Lucky Lopez's

pants, as though trying to grab the imaginary person, then began pouring beer on the floor throughout the house.

Based on Mario Lopez's behavior, Lucky Lopez called 911 to request police help.<sup>1</sup> She told the operator that she had a restraining order on her husband, Mario Lopez; that Lopez had assaulted her; that Lopez had been had been drinking all day and using methamphetamine or cocaine; and that he was hallucinating.

## **B. INITIAL CONTACT WITH OFFICER JACKSON**

Officer Eric Jackson was on routine patrol when he received a domestic battery call involving suspect Mario Lopez. He was dispatched to 66 Leighton Drive in Ventura, along with Corporal Jon Hixson.<sup>2</sup>

Officer Jackson arrived before Corporal Hixson and parked his patrol car nearby. As he left his car, he heard voices arguing and began walking in that direction. Devon Pozo, Mario Lopez's

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<sup>1</sup> / Below is a partial transcript of the 911 call by Lucky Lopez; a transcript of the entire call is attached as Exhibit 1:

Lucky Lopez: My husband is on drugs, I have a 17 year old girl in my house, my husband's on probation for domestic violence . . .

Operator: Okay, you said you're arguing with your husband?

LL: No, he's on drugs, and he he's uh, he's assaulting me thinking someone is having sex with me in my clothes, and uh, groping me and trying to get in my clothes . .

O: What's your address?

LL: 66 Leighton

O: What's your name?

LL: My name's Lucky Lopez.

O: What's his name?

LL: Mario Lopez.

O: Okay, have either, and he's been drinking you said?

LL: He's been drinking all day and he's on methamphetamine, or cocaine. I'm not sure which.

<sup>2</sup> / The dispatcher described the call as follows: "For both units, physical domestic occurred a few [minutes] ago, 66 Leighton, 66 Leighton, break. Station 2 continuing, the RP is the female half advising that male half, Mario Lopez, 242'd her. He's still in the residence, red plaid shirt, camouflage shorts and black shoes. She advised he's HBD and UI." 242 is short for a violation of Penal Code section 242, criminal battery; HBD is short for has been drinking and UI is short for under the influence of a controlled substance.

21-year-old stepson, contacted Officer Jackson just outside the front yard of 66 Leighton Drive. Pozo told Officer Jackson that his parents were “at it again” and added, “You’d better get in there.”

Officer Jackson approached the open doorway and could see Mario Lopez and Lucky Lopez arguing. Mario Lopez showed signs of being under the influence of a controlled substance and seemed agitated. When Mario Lopez noticed Officer Jackson, he shouted, “I’m not fucking going back to prison” and “You’re gonna have to fucking send the SWAT team.” Mario Lopez then armed himself with a knife, holding it in his left hand.

Officer Jackson drew his handgun and entered the house. He ordered Lucky Lopez out of the house and told Mario Lopez to put down the knife. He announced over his radio that he had a combative subject refusing to come out of the house, but his radio went dead during the transmission. With his gun drawn, he repeatedly ordered Mario Lopez to put down the knife. Mario Lopez responded, “You’re gonna have to come get me.” Mario Lopez then fled further into the house.

### **C. SHOOTING**

Officer Jackson was unsure if anyone else was in the house, but he knew he had an armed subject, possibly under the influence of a drug and alcohol, who was refusing gunpoint commands to drop his knife and shouting about not going back to prison. Officer Jackson was aware that his radio had died and he had no backup, and no idea when backup would arrive.

He kept his back toward a wall and slowly moved so that he could see Mario Lopez. What he saw worried him. Officer Jackson stood in the living room peering through an archway into the dining room. Mario Lopez stood with his back against the dining room wall that separated the two rooms. Mario Lopez appeared to be “hying himself up like he’s getting ready to go.”

Officer Jackson again ordered Mario Lopez to drop the knife and Lopez again responded; “You’re gonna have to come get me.” Mario Lopez switched the knife into his right hand and charged at Officer Jackson while swinging the knife at him.

Officer Jackson fired his handgun at Mario Lopez but the shots did not seem to affect Lopez. Officer Jackson continued to fire his handgun at Lopez as Officer Jackson retreated toward the front door. None of his shots seemed to have any effect on Lopez until the last round, when Lopez fell to the ground and dropped the knife.

While on the ground, Mario Lopez moved in the general direction of his knife, which lay a few inches from him, and Officer Jackson fired one more shot, completely emptying his magazine. Officer Jackson then reloaded his weapon. Approximately 44 seconds had passed since Officer Jackson’s broadcast of a “combative subject.”<sup>3</sup>

#### **D. ADDITIONAL POLICE RESPONSE AND INVESTIGATION**

Corporal Hixson had arrived shortly after Officer Jackson and parked near Officer Jackson’s patrol car. Corporal Hixson was approaching the house when he heard gunshots. He broadcast a “shots fired” call and sped toward the house. When he reached the front of 66 Leighton Drive, he saw Officer Jackson standing outside the front, door handgun drawn, and pointing into the house. Corporal Hixson noticed several other individuals, Lucky Lopez, Devon Pozo, and Hannah Rose, and directed them away from the front of the home.

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<sup>3</sup> / Officer Hixson broadcast a “shots fired” call immediately after Officer Jackson’s final shot. The dispatch logs for the Ventura Police Department show that broadcast occurred 44 seconds after Officer Jackson’s broadcast about a “combative subject.”

Corporal Hixson's "shots fired" call triggered a tactical alert, and numerous VPD officers rushed to the scene. The first few responding officers arrived with their guns drawn. They quickly cleared the home, set up a perimeter and escorted emergency personnel to tend to Mario Lopez, who was pronounced dead at the scene. Officers began interviewing witnesses and gathering evidence. They took numerous photographs and measurements of the scene, and prepared a diagram of the location. Corporal Hixson and Officer Jackson were returned to the Ventura Police Station where they were both interviewed about the shooting.

## **E. WITNESS STATEMENTS**

Numerous individuals were interviewed, including all police officers involved in the incident and most of the neighbors. Summaries of the most pertinent witness statements are set forth below.

### **1. OFFICER ERIC JACKSON**

Officer Jackson was interviewed at 3:25 a.m. on the morning of May 21, 2011. He was interviewed by Ventura Police Detectives Donswyk and Munger in the presence of his attorneys. Officer Jackson was read his *Miranda* rights before the interview and chose to waive them.

Jackson stated that his role in the incident began when he and Corporal Hixson received a call regarding a domestic battery at 66 Leighton Drive by a suspect named Mario Lopez.<sup>4</sup> Officer Jackson arrived at the call before Corporal Hixson. He parked his patrol car on the corner of Leighton Drive and Ventura Avenue. He left his patrol car and walked toward 66 Leighton Drive.

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<sup>4</sup> / Officer Jackson had no memory of any prior contact with a person with that name but, after the incident, recalled seeing an individual walking down Ventura Avenue at some time between 2:00 p.m. and 3:00 p.m. that day whom he recognized, after the incident, to be Mario Lopez.

The area was generally quiet, but Officer Jackson heard a man and woman arguing loudly. He walked up to the front of the residence from the west side where he was met by an approximately 20-year-old man. The man stated that his parents “are at it again” and told Officer Jackson that he had “better get in there.”

Officer Jackson approached the open front door of 66 Leighton Drive. A few feet from the door his foot made a scraping sound which caused a male subject standing in the front room of the house (Mario Lopez)<sup>5</sup> to look in Officer Jackson’s direction. Officer Jackson said that Lopez looked as though he might be under the influence of a controlled substance, as his eyes were extremely wide and “bugging out,” he was constantly licking his lips and mashing his teeth and standing very rigid. Officer Jackson could not tell at that time if the subject was armed.

A woman was also in the front room (Lucky Lopez) and she was telling Mario Lopez to calm down. After seeing Officer Jackson, Mario Lopez yelled, “I’m not fucking going back to prison,” adding, “You’re gonna have to fucking send the SWAT team.” Mario Lopez then picked up a black handled knife with a six to eight inch long blade, holding it in his left hand. When Officer Jackson saw the knife, he drew his handgun.

Lucky Lopez was only a few feet from Mario Lopez as he held the knife. Officer Jackson was concerned about Lucky Lopez’s safety, based on Mario Lopez’s demeanor and symptomology of drug use, the nature of the call as a domestic battery, and Mario Lopez’s arming himself with a knife.

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<sup>5</sup> / Officer Jackson did not know Mario Lopez or Lucky Lopez’s identity during the call and did not refer to them by name in his interview. For the benefit of the reader, they are referred to by name in this summary.

Officer Jackson stepped into the house and said something over the radio.<sup>6</sup> His radio went dead as he made that call and he was aware that he would be unable to broadcast any further. He told Lucky Lopez to get out of the house and she did. He kept his back to the wall and repeatedly ordered Mario Lopez to drop his knife. Mario Lopez did not drop his knife, but responded, “You're gonna have to come get me.”

Officer Jackson was unsure if anyone else was still in the house. He kept his back to the wall and, a few seconds later, Mario Lopez walked from the living room into the dining room area of the residence. Lopez braced himself against the north wall which divided the front living room from the room he had entered. Officer Jackson cautiously looked into the dining room and was able to see Mario Lopez with his back against the wall. Officer Jackson described Lopez as “hying himself up like he's getting ready to go.”

Officer Jackson explained that he did not leave the house because he did not “know who else was in there.” He asked who else was in the house, but the only response he got was from Mario Lopez, who was continuously yelling at Officer Jackson to “come get me.” Officer Jackson was concerned that Mario Lopez would take a hostage or kill someone. Officer Jackson explained, “He's got a knife. He's, you know, completely unreasonable and the fact that there is an armed police officer in his living room telling him to drop the knife and he's not paying attention.”

Officer Jackson continued to ask Mario Lopez to drop the knife and Lopez kept responding, “You're gonna have to come get me.” Officer Jackson pointed his handgun and ordered him to drop the knife. Lopez moved the knife from his left hand to his right and, a few seconds later, turned and rushed at Officer Jackson, who fired his gun at Lopez.

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<sup>6</sup> / His broadcast was “Station 2, 1 Boy 1, combative subject refusing to c- -” which was cut off.

Officer Jackson described Lopez's charge: "Yeah, he came and it was almost as if I could see the moment that he made that decision. It was so distinctive the way that he just pumped himself up and took a deep breath and he just lunged out at me. . . . He had the knife and his arms came up. He was just like a freight train coming straight at me you know."

Lopez rushed Officer Jackson with the knife and Officer Jackson continued firing as he retreated towards the front door. Jackson stated that he kept shooting but the bullets seemed to have no effect on Lopez. Lopez continued pursuing Officer Jackson, and Officer Jackson continued firing his weapon "trying to keep [Lopez] way back."

Officer Jackson retreated in what he described as a semicircular motion towards the front door. He continued firing as Lopez pursued him, until Lopez fell on his left side in the living room and dropped the knife, which came to rest a few inches from Lopez's body.

Officer Jackson heard people outside the home screaming, "What are you doing?" He noticed Lopez starting to move toward the knife and fired one more time. He fired because he thought that Lopez was going to pick up the knife and rush him again because Lopez had been "hyped up." Officer Jackson kicked the knife away from Lopez then looked outside. He saw Corporal Hixson outside preventing the family from approaching the house. Officer Jackson was asked if the subject he had contacted outside (Pozo) had gone inside after Officer Jackson had initially contacted him, and Officer Jackson replied that the subject had stayed outside.

## **2. CORPORAL JON HIXSON**

Corporal Hixson stated that his part in the incident began when he and Officer Jackson received a call to respond to a "physical domestic" at 66 Leighton Drive. Hixson estimated that he arrived one minute to one and a half minutes after Officer Jackson. As he arrived, he saw Officer Jackson's car already parked on the corner of Leighton Drive and Ventura Avenue. Corporal

Hixson parked nearby. He left his car and heard Officer Jackson report an uncooperative subject and dispatch respond that it was dispatching a canine unit.

Corporal Hixson walked toward 66 Leighton Drive in the middle of the street. As he walked, he heard a male voice, but was unable to identify whose voice it was. He believes it was Officer Jackson giving commands but is unsure and did not hear what specifically was said. Corporal Hixson continued walking and was approximately 25 feet away from the residence when he heard shots fired. He heard eight to ten shots fired, followed by a very short pause, then three to four more shots. He immediately advised dispatch that shots had been fired and drew his handgun.

At that point, Corporal Hixson saw Officer Jackson standing outside the doorway with his gun drawn and pointed into the house. He noticed a man lying on the floor inside the house. The man was not making any noise and was not moving. Neither Officer Jackson nor Corporal Hixson entered the house to attempt to perform CPR. Corporal Hixson explained, "We didn't have any idea who was in there."

Corporal Hixson encountered two women in the front yard. He holstered his weapon and waved the women over to him. A man came out from behind the house and Corporal Hixson waved him over as well. Corporal Hixson stated he was trying to prevent the people in the front from trying to go back in the house. Once the next officer arrived, Hixson had him wait with the people in the front yard and Corporal Hixson went to join Officer Jackson.

Officer Jackson looked at Corporal Hixson and appeared to acknowledge that he was there. Corporal Hixson heard Officer Jackson say something to the effect, "Suspect down and there's a knife." Officer Jackson pointed immediately in front of him in the doorway and Hixson saw a

knife on the ground in front of Officer Jackson. Corporal Hixson described the knife as something like a fishing knife.

After paramedics and other police personnel arrived, Corporal Hixson got Officer Jackson away from the house. He described Officer Jackson as “adrenalized.” He explained that Officer Jackson “was like, you could tell he was, he'd been through something pretty, pretty traumatic. He was, I told him to take a couple of deep breaths, relax, you know, he'll be fine, that whole thing, but he was like taking some deep breaths and bending over at his waist and, you know, trying to bring himself back down.”

Corporal Hixson stated that while they were waiting, Officer Jackson described what had happened. Corporal Hixson said that Officer Jackson said, “He showed up at the door, the guy was inside, had his hands down to his sides. The female was inside also. He asked her to step out. The guy said something like, ‘I'm not going back to prison.’ Jackson saw a knife and fired the shots.”

### **3. LUCKY LOPEZ**

Lucky Lopez was Mario Lopez's wife. She refused to be interviewed by investigators of the District Attorney's Office or the Ventura Police Department. She spoke briefly with officers the night of the shooting, and the following day she spoke briefly with Deputy Medical Examiner Shasta Gainer. On May 23, 2011, she made a brief statement to detectives from the Ventura Police Department as she was declining to be interviewed.

#### **A. Night of the Shooting**

Lucky Lopez declined to be interviewed the night of the shooting but made statements as police officers were investigating the shooting. She asked Officer Gomez, “How can this happen?” and added, “He's on meth. He knows he's not supposed to be here when he's doing that shit.”

Detective Starr approached her to explain what was happening with the crime scene and Lucky Lopez complained about the police shooting her husband but did not explain what she saw. She told Detective Starr that she wanted the name of the officer who shot her husband.”<sup>7</sup>

Later on, while Detective Starr was interviewing Devon Pozo, Lucky Lopez stated, “He didn’t even know it was a knife, I said it was a fucking, I thought it was a beer, I’m all ‘It’s a beer, it’s a beer’ and he fucking unloaded a fucking gun on him.” As Starr and Pozo spoke, Lucky Lopez occasionally interjected statements about the police shooting Mario Lopez.

B. May 21, 2011

Lucky Lopez spoke with Shasta Gainer on the morning of May 21, 2011. Lucky Lopez briefly described the circumstances leading up to the shooting. Specifically, Lucky Lopez stated that Mario did not have to work on May 20. Mario Lopez started drinking champagne in the morning and drank beer throughout the rest of the day. Mario Lopez left their house around 5:30 p.m. Mario Lopez seemed agitated when he returned home, and she believed that he was under the influence of a drug.

Mario Lopez called their landlord and the grandmother of one of Lucky Lopez’s sons. Mario Lopez told the grandmother that Lucky Lopez had been drinking. Lucky Lopez told Gainer that statement could hurt her petition for custody of her son. Lucky Lopez further stated that she called 911 because she was worried for the safety of her older son, Devon, and his girlfriend, Hannah, who were staying at their home. Lucky Lopez then stated that she did not want to give multiple statements and stopped talking about the incident.

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<sup>7</sup> / A transcript of Detective Starr and Lucky Lopez’s conversation is attached as Exhibit 2.

C. May 23, 2011

Lucky Lopez spoke briefly with Detectives Starr and Donswyk in explaining why she did not want to be interviewed by them. She said that she did not want to talk to them and added, “I think me and my attorney will be making a statement, um, I don’t know when.” They spoke about who was representing Lucky Lopez and she had not hired an attorney at that point. Detective Donswyk asked if Devon Pozo was there and wanted to talk to the police and Lucky Lopez replied that they were told not to talk to the police.

She explained; “Well because there’s gonna be a lawsuit, from what we hear you’ve put in your report it was attempted murder of a cop, and, uh, my husband was murdered, so there’s a, there’s a big gap there.” Detective Donswyk told Ms. Lopez that getting her side of the story would help the investigation and she replied, “Yeah, I was standing, the cop was right here, and I, and I was right here, so I saw, I saw, I watched the whole thing happen. I know exactly what happened.” A friend of Ms. Lopez explained her position further to the detectives and inquired whether the detectives could return some of Mr. Lopez’s personal effects to Lucky Lopez.

Detective Starr stated that their concern was determining what actually happened, and wanted to hear from Ms. Lopez since she saw the incident. Ms. Lopez stated: “To unload almost 15 rounds, and four, four of them in my husband’s chest, standing over him, that’s murder.” She added, “I want this officer to go to prison, I don’t care about the money, I want this, I want this officer to pay for my husband’s death. It’s not about money at all.”

D. May 23 News Article

Lucky Lopez was interviewed about the shooting by Adam Foxman of the *Ventura County Star*, and he reported some of her comments in a May 23, 2011, article in that paper.<sup>8</sup> Per the article,

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<sup>8</sup> / The article can be accessed online at <http://www.vcstar.com/news/2011/may/23/officer-identified-in-fatal-ventura-shooting/#ixzz1ZqsnAgG3>

Lopez told Foxman that “her husband did not advance on Jackson and that the officer continued shooting her husband when he was on the ground.” She added, “My husband did not threaten the officer.”

Foxman also reported that “Lopez’s wife said she witnessed the entire incident. She said the officer saw the knife, and then opened fire when her husband stepped out of the kitchen. She said her husband was on the ground when the officer shot him again. She said Monday that she wanted to speak to a lawyer before discussing all the details, because she was considering filing a wrongful-death lawsuit. ‘I will not stop until this man is brought to justice,’ Lucky Lopez said of the officer.”

#### **4. DEVON POZO**

Devon Pozo is Lucky Lopez’s son and Mario Lopez’s stepson. He was living at 66 Leighton Drive on the date of the shooting. He was interviewed on May 20, 2011, by Detective Starr. Pozo began by stating: “I want to talk to whoever I can talk to to put that motherfucker in prison for shooting my dad.” He added: “I want to know who I talk to to fuck that guy's life up” and “I swear to God if he gets the badge of honor, medal of honor, you better lock me the fuck up or I'll find the motherfucker's house.”

Describing the night’s events, Pozo stated that on the night of the shooting he was living in the “front house” with Mario Lopez and Lucky Lopez, referring to 66 Leighton Drive. He described Mario Lopez as “being aggressive” and “drunk,” adding that Mario Lopez became “very hostile” under the influence of alcohol.

Pozo described Lucky and Mario as “arguing all day” on May 20. He stated that he, Lucky Lopez, and Mario Lopez had been drinking throughout the day. He described Mario Lopez as “drunk.” He added that Mario Lopez was prone to use drugs when he drank. He also stated that

Mario Lopez had drunk four White Russians and four beers throughout the day, and that his mother had drunk a bottle of champagne and a bottle of wine, although she had stopped drinking before sundown.

Pozo said at some point Mario Lopez left the house. When Mario Lopez returned, Pozo was in bed and Lucky Lopez was on the couch. It appeared to Pozo that Lucky Lopez did not want to be around Mario Lopez, so she left the house and drove to a nearby liquor store. Pozo said that Mario Lopez left the house and walked to the liquor store to “spy on her.”

Pozo was concerned about them fighting, so he walked to the liquor store to check up on them. When Pozo did not see them fighting, he walked back home. Mario Lopez returned home before Lucky Lopez. Pozo was preparing to fight with him, as was typical when Lopez was agitated. Instead, Lopez was “mellow.” Mario Lopez went into his bedroom.

Lucky Lopez returned home about 15 minutes later and the bedroom door was locked. A short while later, Pozo heard his mother yelling, “He’s fucking touching me!” Mario Lopez appeared to be hallucinating that someone was trying to have sex with Lucky Lopez right in front of him. Pozo said Mario Lopez often hallucinated when he used methamphetamine. Pozo stated that he did not know for a fact that Mario Lopez had used methamphetamine, but added that Mario Lopez would only hallucinate when he was on meth. However, Pozo did not think Mario Lopez was under the influence of methamphetamine at that time because they had a clear and cogent conversation shortly before the police were called, and Pozo described Mario Lopez as “really being pretty mellow for how he normally is” and “very normal as we were talking it out.”

Pozo said it appeared that Mario Lopez thought that Lucky Lopez was having sex with someone in front of him. Pozo described Mario Lopez as “reaching down in her vagina.” Pozo told Mario

Lopez to leave her alone. Pozo was not sure if the hallucination was real or if Mario Lopez was pretending to hallucinate.

Pozo said Mario Lopez and Lucky Lopez continued to argue, and Mario Lopez began calling people to try and mess with Lucky Lopez's reputation. Pozo heard Lucky Lopez trying to get the phone away from Mario, but the altercation did not become physical. He added, "When it gets violent they don't stop."

Pozo said Lucky Lopez began antagonizing Mario Lopez about his hallucination of someone being sexually active with her at that moment, and Mario Lopez appeared to be "tripping out thinking some dude was around the corner of the hallway." Mario Lopez started spilling beer throughout the living room, thinking there was some person in the living room. He got another beer and began spilling it in other parts of the house. Lucky Lopez then called the police.

Pozo went outside to wait for the police officers to arrive because he "wanted them to do their job" and stop the altercation. Pozo spoke with the officer as he approached their home, telling the officer that his parents were fighting. Pozo said that Lucky Lopez came outside and the officer asked Mario Lopez to step out of the house. Mario Lopez replied in an angry tone, "Fucking get the SWAT team, I'm not coming out."

Pozo stated that he asked the officer if he could go get his girlfriend and the officer said it was okay. He was concerned about "Mario going back to her" and wanted to get her out of the house before anything happened.

Pozo went back inside the house to get his girlfriend, Hannah Rose, walking past the officer. Pozo believed that the officer had his hand on his gun but did not know if the gun was drawn. Pozo walked past Mario Lopez, who was standing, and Pozo did not notice if Mario Lopez had

anything in his hands. Pozo noted that Mario Lopez did not attack him or try to harm him. Pozo walked to the back bedroom and he and Hannah Rose walked out the back door of the house.

In the backyard, Pozo heard a few shots. There was a pause, and then the officer “shot and shot and shot and shot and shot.” Pozo said that he and his girlfriend were in the driveway at the time of the shooting and that he heard at least ten shots. He did not hear the officer shout a warning, but instead heard the officer yell and then shoot. Pozo did not hear the officer saying intelligible words, but “I just hear ‘eraaaah’ bang bang bang bang, I didn’t really hear what came out of him, he didn’t really fucking say anything, I just heard a loud voice.”

Pozo reached the front of the house, where he was met by another officer, who told him to sit down.

## **5. HANNAH ROSE**

At the time of the shooting, Hannah Rose was Devon Pozo’s girlfriend. She met Pozo when he was living in Bakersfield and was staying at the Leighton Drive address on the night of May 20, 2011. Rose had been living with Pozo and his parents in Ventura for about three weeks prior to the shooting. She had been at the house all day. Mario Lopez made breakfast, and Mario Lopez and Lucky Lopez spent the day hanging curtains. Rose said she saw Mario Lopez drink about three beers and saw Lucky Lopez drink a glass of wine or champagne.

Mario Lopez and Lucky Lopez later had an argument about Mario Lopez using drugs. Lucky Lopez called the police to remove Mario Lopez from the home. Rose said that Mario Lopez was pouring beer on an imaginary person behind Lucky Lopez.

Rose was in a back room when she heard Mario Lopez say, “I am not fucking going back to jail.” She heard the officer use the word “taser,” and Mario Lopez replied, “Don’t tase me, don’t

tase me!” She then heard Mario Lopez state, “Call the fucking swat team, I am not coming out, I am not going back to prison!” Rose stated that she did not hear Mario Lopez make any threats to the officer, and she did not hear the officer tell Mario Lopez to drop a knife.

Devon Pozo rushed into Rose's room and told her they needed to get out of the house. They went out the back door. She was standing by the back door when she heard three gunshots. She ran toward the front of the house and heard approximately ten more shots fired.

She walked to Pozo and looked inside. She saw a police officer standing outside the front door of the house and saw Mario Lopez laying on the floor. She heard Mario Lopez moaning. She noticed Lucky Lopez was standing behind the officer, five to seven feet from the door. A different police officer told her to sit on the curb in front of the house and several more officers ran up to the house with their guns drawn.

Rose stated that she did not see the shooting but Lucky Lopez and Devon Pozo had. She added that both Devon Pozo and Lucky Lopez had told her that the officer never entered the house. Lucky Lopez also told her that as soon as Mario Lopez turned the corner, the officer opened fire. Then, as Mario Lopez was lying on the ground, the officer put the rest of the bullets in his chest. Based on their statements, Rose was confused as to how bullet holes in the house ended up where they did. She stated that there was a bullet strike around the corner from the living room that must have been a ricochet, because the only other way it made sense was if the officer was in the living room looking into the next room when the shots were fired.

## **6. NORMA MORALES**

Morales is Mario Lopez's mother. She spoke with Ventura County District Attorney Investigator Tom Radwan on May 27, 2011.

Ms. Morales wanted to share her feeling that the police did not do anything wrong in the incident and blamed the incident on Lopez's wife. Morales stated that there was a long history of Mario Lopez's wife abusing him and taking advantage of him. Ms. Morales felt that the wife had set in motion the events that ended with the shooting death of her son. Morales described the history between Mario Lopez and his wife, then stated that Mario Lopez was a "two-time felon" who had told her at one point that he would rather do "suicide-by-cop" than go to jail because of his wife. She repeatedly stated that while the police were doing their job when they shot her son, it was his wife who caused his death.

**7. TONYA BURES**

Tonya Bures is Mario Lopez's sister. She spoke with Ventura County District Attorney Investigator Greg Hayes on August 24, 2011. She recalled having numerous conversations with her brother where he said he would commit "suicide-by-cop" rather than go back to prison. Specifically, Bures recalled several conversations where she told Lopez that if he stayed with Lucky Lopez, he was going to end up back in prison, and Mario Lopez replied that would not happen because "they are going to have to take me out" before he would go back to prison.

**8. RANDY COOPER**

Dr. Randy Cooper is the owner of 66 Leighton Drive. He spoke with Detective Donswyk by telephone on May 23, 2011. Dr. Cooper told Detective Donswyk that he rented the property to Lucky and Mario Lopez on a one-year lease, starting May 13, 2011.

Cooper stated that he received a telephone call from Mario Lopez at about 10:30 p.m. on May 20, 2011. Mario Lopez told Cooper that his wife, Lucky Lopez, was making serious mistakes and should be kicked out of the residence they had rented from him. Cooper asked what he meant and Mario Lopez replied, "Well she's just making some serious mistakes and you ought to throw her out," and then hung up the phone. Detective Donswyk asked Cooper if Lopez

seemed intoxicated and he replied that he was not sure but it was possible based on how Lopez was rambling as he spoke and how he repeated himself.

**9. OTHER POLICE AND EMERGENCY PERSONNEL**

**a. SERGEANT TOM HIGGINS**

Sergeant Higgins stated that he was at the Ventura Police Department dispatch center when he heard Officer Jackson's radio call regarding a combative subject. He heard Corporal Hixson report "shots fired" and then drove to the Leighton Drive address. When he arrived, he contacted Officer Jackson, who was standing with Corporal Hixson.

Officer Jackson appeared upset about the incident, but was able to talk about it. He told Sergeant Higgins that the suspect (Mario Lopez) and his wife had been arguing and the suspect was armed with a knife. The suspect confronted Jackson with the knife somewhere near the front door. Officer Jackson said he had fired 15 shots and that the suspect had told him he was not going to go back to prison.

Sergeant Murray arrived on scene and the conversation stopped. Sergeant Higgins remained outside of the residence, organizing and delegating duties to responding officers. He had no further information to add.

**b. OFFICER ANTHONY MORALES**

Officer Morales is Mario Lopez's cousin. Morales stated he was close to Lopez when they were younger, but they had drifted apart. Officer Morales stated that four weeks prior to the shooting, he had a phone conversation with Mario Lopez where Lopez mentioned "suicide-by-cop." Morales added that Lopez was a two-striker and was scared to go back to prison for life.

Morales stated that Lopez had called Morales while Morales was at work. Lopez sounded intoxicated to Morales. Lopez told Morales that, "If your boys show up, I am not going down like that." Morales believed that Lopez must have been in an argument with Lucky Lopez and was referring to "suicide-by-cop."

**c. VENTURA COUNTY SHERIFF'S SENIOR DEPUTY LUIS DE ANDA**

Ventura County Sheriff's Senior Deputy Luis De Anda arrested Mario Lopez for DUI on May 7, 2011. He witnessed the subject on his cell phone while driving. He attempted to pull Lopez over, but Lopez did not stop until he pulled into the garage of a nearby residence. Senior Deputy De Anda contacted Lopez, deemed him to be under the influence of alcohol and arrested him. Lopez began yelling profanity at Senior Deputy De Anda. Lopez did not physically struggle with the deputy, but was uncooperative and even stated, "Just go ahead and shoot me."

**III. PHYSICAL EVIDENCE**

**A. CRIME SCENE**

The scene was secured immediately after emergency personnel determined that Lopez had died.<sup>9</sup> Photographs and measurements were taken at the location of all expended casings and bullet strikes within the house.<sup>10</sup>

Mario Lopez lay on the floor of the living room, the front room of the house. His head was closest to the front door, which is on the northern side of the house. A knife blade lay near the threshold with its broken plastic handle lying next to it. The blade was approximately six inches and the knife was approximately eleven inches long.<sup>11</sup>

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<sup>9</sup> / A diagram of a portion of the interior of 66 Leighton Drive was prepared and is attached to the Report as Exhibit 3.

<sup>10</sup> / Photographs of the bullet strikes and casings are attached to the report as Exhibit 4.

<sup>11</sup> / Photographs of the knife are attached as Exhibit 5.

Fourteen expended bullets casings were recovered from the house. The casings were in four main groups: five casings in the middle of the living room, close to an armoire on the western-wall; three casings inside the living room along the front (northern) side of the house; five casings on the front porch; and a single casing located outside the house approximately five feet from the front door.

Six bullet fragments were also recovered from the home.<sup>12</sup> One fragment was recovered from the kitchen oven after having passed through the southwestern wall of the living room. Another fragment was recovered from an interior hallway wall after having passed through the western wall of the living room. A third fragment was located on the floor at the northwestern corner of the living room. Three more fragments were located in the living room. Two of them were lying in the opening between the living room and dining room, and the third was located in a comforter that was under Lopez's body.<sup>13</sup>

The interior of the house was very clean and appeared freshly painted. There was a black scuff on the interior side of the northern wall of the living room nearest the front door, approximately two and one-half feet above the floor. The window sill on the front (northern) wall also apparently had new white paint which was unmarked except for a scraping across the lowest part of the sill nearest the front door.<sup>14</sup>

James Roberts, a forensic scientist specializing in firearms who is employed by the Ventura County Sheriff's Crime Lab, was consulted on the bullet strikes in the dining room and the

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<sup>12</sup> / Eight additional bullet fragments were recovered. Seven were recovered during the autopsy and the eighth was recovered by the mortuary during the embalming process.

<sup>13</sup> / This fragment was actually located by the Lopez family after the police had left the scene and they provided it to the police.

<sup>14</sup> / Photographs of the window sill and wall are attached as Exhibit 6.

clusters of expended casings. Roberts felt that the evidence was consistent with Officer Jackson retreating from inside the house while firing his weapon.

Officers used lasers to recreate the paths of the bullets which struck the living room walls. The lasers indicated that Officer Jackson would have had to be standing in the living room next to the dining room when he fired those shots.<sup>15</sup>

## **B. OFFICER JACKSON**

Officer Jackson's handgun was recovered shortly after the shooting. His gun had 14 rounds in its magazine and a round chambered. He also had one empty magazine and one magazine containing 15 rounds.

Officer Jackson wears his holster on his right side. When he was photographed on the evening of May 20, his holster had a horizontal white stripe that appeared to be some sort of paint transfer.<sup>16</sup>

James Roberts examined Officer Jackson's weapon and two casings recovered from the scene<sup>17</sup> and confirmed that the bullets had been fired from Officer Jackson's handgun. Officer Jackson's handgun has an ejection port on the right side, meaning an expended casing would be ejected up and to the right of the weapon.

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<sup>15</sup> / Photographs of the trajectories are attached as Exhibit 7.

<sup>16</sup> / Photographs of Officer Jackson's holster are attached as Exhibit 6.

<sup>17</sup> / The casings he examined were identified as evidence item number 6, found on the front step, and evidence item number 7, found just inside the front door next to the knife.

## **C. CAUSE OF DEATH**

### **1. CORONER'S REPORT**

On May 21, 2011, Ventura County Medical Examiner Ronald O'Halloran performed an autopsy on Mario Lopez. He found that Mario Lopez died of gunshot wounds to the chest and that the killing was a homicide, meaning a death at the hands of another.

Dr. O'Halloran found that Mario Lopez had 12 injuries caused by bullets, and that the injuries (and condition of his clothing) indicated those bullets were fired from a distance greater than 18 inches. Dr. O'Halloran was unable to determine the order in which the bullets struck his body.

One bullet entered his left chest and passed through his left lung, left atrium and right lung. Another bullet entered near his left clavicle and exited out his lower chest, with a grazing trail down his abdomen. Another bullet entered the left side of his abdomen and exited on the right side of his abdomen. Another bullet grazed his left ear and passed through the back of his neck. Four entered his left arm. Two of those passed through his arm and the other two passed into his left lung. Two bullets entered his left upper back, one hitting his left lung and the other hitting both the right and left lung. The last two wounds were grazing wounds, one on his abdomen and the other on his right thigh.

Lopez's blood and urine were examined for drugs and alcohol. His urine showed a .11 blood alcohol content and his blood showed his blood alcohol content at .10 percent. Both results were over the legal driving limit of .08 percent. According to Crystal Craver, a forensic scientist with the Ventura County Sheriff's Crime Lab, that level of alcohol intoxication would not cause aggressive behavior, but would cause a relaxing of inhibitions and bad judgment, and an increase in risky behavior.

His blood also tested positive for methamphetamine. Methamphetamine concentrations in the blood have not been as broadly studied as alcohol, so there is no ability to correlate the methamphetamine level with a specific level of intoxication. However, Paul Crowley, a Forensic Scientist assigned to the Toxicology Section of the Ventura County Sheriff's Crime Lab, stated that concentration in Lopez's blood was similar to concentrations found in the blood of people who had been convicted of being under the influence of methamphetamine in trials in which he had testified.

#### **IV. LEGAL PRINCIPLES**

##### **A. LAW OF HOMICIDE AND SELF DEFENSE**

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide encompasses murder and manslaughter, which are unlawful, and acts of excusable and justifiable homicide, which are lawful.

Homicide is justifiable when committed by any person "resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person." Penal Code section 197(1). CALCRIM 550 provides the specific jury instructions on the defense of self-defense, which provide that a person is not guilty of murder or manslaughter if 1) That person "reasonably believed that [the person] [or] someone else . . . was in imminent danger of being killed or suffering great bodily injury"; 2) that person "reasonably believed that the immediate use of deadly force was necessary to defend against that danger"; and 3) that person "used no more force than was reasonably necessary to defend against that danger."

CALCRIM 550 further provides that in deciding whether that person's "beliefs were reasonable, consider all the circumstances as they were known to and appeared to [that person] and consider what a reasonable person in a similar situation with similar knowledge would have believed. If [that person]'s beliefs were reasonable, the danger does not need to have actually existed." It also

provides that “[a person] is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger has passed. This is so even if safety could have been achieved by retreating.”

A killing by a peace officer is justifiable when it was “necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty” or “when necessarily committed in arresting persons charged with [a] felony, and who are fleeing from justice or resisting such arrest.” Penal Code section 196.

Police officers have a duty "to maintain peace and security" and "to protect citizens from harm." *Batts v. Superior Court* (1972) 23 Cal.App.3d 435, 438. A police officer may use deadly force when the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. *Graham v. Conner* (1989) 490 U.S. 386, 396-397. Reasonableness includes “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.*

Under the Fourth Amendment, police are “not required to use the least intrusive degree of force possible” but may use only such force as is objectively reasonable under the circumstances. *Forrester v. City of San Diego*, (9th Cir. 1994), 25 F.3d 804, *Scott v. Hendrick* (9th Cir. 1994) 39 F.3d 912, 915.<sup>18</sup> An officer's use of deadly force is reasonable only if “the officer has probable

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<sup>18</sup> / “Requiring officers to find and choose the least intrusive alternative would require them to exercise superhuman judgment. In the heat of battle with lives potentially in the balance, an officer would not be able to rely on training and common sense to decide what would best accomplish his mission. Instead, he would need to ascertain the least intrusive alternative (an inherently subjective determination) and choose that option and that option only. Imposing such a requirement would inevitably induce tentativeness by officers, and thus deter police from protecting the public and themselves. It would also entangle the courts in endless second-guessing of police decisions made under stress and subject to the exigencies of the moment.” *Scott*, 39 F.3d at 915.

cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” *Tennessee v. Garner*, (1985) 471 U.S. 1, 3, [85 L.Ed.2d 1, 105 S.Ct. 1694].

“The test of reasonableness in this context is an objective one, viewed from the vantage of a reasonable officer on the scene. It is also highly deferential to the police officer's need to protect himself and others.” *Martinez v. County of L.A.* (1996), 47 Cal.App.4th 334, 343 (quoting *Graham* 490 U.S. at 396-397). The reasonableness test requires careful attention to the facts and circumstances of each particular case, including: (1) “the severity of the crime at issue”; (2) “whether the suspect poses an immediate threat to the safety of the officers or others”; and (3) “whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.” *Graham*, 490 U.S. at 396.

## **B. MARIO LOPEZ’S CRIMINAL CONDUCT**

Mario Lopez engaged in felony and misdemeanor criminal conduct in the hour prior to his arrest. Had he survived, he could have been charged with the commission of the following crimes:

- Attempted Murder in Violation of Penal Code section 664
- Assault With A Deadly Weapon in violation of Penal Code section 245(a)(1)
- Assault On A Peace Officer in violation of Penal Code section 245(c)
- Exhibiting A Deadly Weapon in violation of Penal Code section 417(a)(1)
- Battery in violation of section 242
- Resisting A Peace Officer in violation of Penal Code section 148(a)
- Under the Influence of Methamphetamine in violation of Health and Safety Code section 11550(a)

## **V. ANALYSIS**

When Officer Jackson arrived at 66 Leighton Drive, he was confronted with a serious situation – Mario Lopez in a house with Lucky Lopez – who had reported that Mario Lopez, under the

combined influence of a controlled substance and alcohol, had recently assaulted her. When Mario Lopez saw Officer Jackson, Lopez armed himself with a knife and shouted he was not going back to prison and a SWAT team would be needed to get him out of the house. Officer Jackson had no choice but to immediately intervene to protect Lucky Lopez from possible harm.

Officer Jackson got Lucky Lopez safely out of the home and Mario Lopez retreated back into the house. Officer Jackson did not know if anyone else was in the house, but he knew that an armed man accused of using force against his wife and intoxicated by drugs and/or alcohol was likely in the home and posed a risk of harm to anyone still in the house. As much as he may have wanted to wait for back-up, Officer Jackson had a duty to try to protect anyone else in the house from harm.

This is where the two witnesses' versions conflict. Lucky Lopez has claimed that Officer Jackson never entered the house. Officer Jackson stated that he followed Mario Lopez into the house and was peering from the dining room into the living room when Mario Lopez charged him. The physical evidence corroborates Officer Jackson as the bullet strikes in the dining room walls indicate Officer Jackson must have been standing immediately adjacent to the dining room at the time those shots were fired. Moreover, Devon Pozo's statement that Officer Jackson did not shout intelligible words, but yelled "Eraah" and opened fire, is consistent with Officer Jackson responding to a sudden threat.<sup>19</sup>

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<sup>19</sup> / Another conflict regards Devon Pozo's actions. Devon Pozo and Hannah Rose stated that Pozo entered the house after the standoff between Mario Lopez and Officer Jackson had begun. Officer Jackson stated that Pozo (the person he met inside) never entered the house. It is unclear why Officer Jackson allowed Pozo to enter and does not remember Pozo entering, but Pozo's rationale for securing Rose's safety – being worried about "Mario going back to her" and wanting to get her out of the house before anything happened – corroborates Officer Jackson's perception of the threat posed to others by Mario Lopez.

Mario Lopez controlled the encounter from his initial contact with Officer Jackson. Every action he took set in motion the events that led to his death. It is beyond the scope of this report to speculate on why Mario Lopez wished to die, but he told many people prior to this incident that he would be “taken out” rather than go back to prison. Officer Jackson had no knowledge of those prior statements, but was aware that a large man, armed with a knife, who had been reported as physically assaulting his wife and under the influence of drugs and alcohol, had hidden around a corner and was refusing gunpoint commands to drop the knife. And then Mario Lopez rushed him.

Officer Jackson fired at Mario Lopez. He fired for the reason that he honestly and reasonably believed that Mario Lopez was trying to kill him. His shots seemed to have no effect on Mario Lopez, so he continued to fire as he retreated. He had no duty to retreat, but retreated because he was afraid for his life and used his gun as a shield to keep Mario Lopez away from him. He continued firing rounds until Mario Lopez no longer posed a threat.

Regarding the last shot that Officer Jackson stated he fired while Mario Lopez was on the ground and moving toward the knife, no other witness recalls hearing a separate single shot, but instead they reported two clusters of shots, and the groupings of casings seem consistent with clusters of shots. Based on the short duration of the encounter and the fact that Mario Lopez did not seem affected by the bullets hitting him, it appears Officer Jackson fired his final shots under an honest and reasonable belief that Mario Lopez still posed a threat to him.

## **VI. CONCLUSION**

It is the conclusion of the District Attorney that:

1. At the time Officer Jackson fired his weapon at Mario Lopez, Officer Jackson honestly and reasonably believed that he was in imminent threat of death or great bodily injury;

2. At the time Officer Jackson fired his weapon at Mario Lopez, Officer Jackson honestly and reasonably believed that the immediate use of deadly force was necessary to defend himself against the danger posed to him by Mario Lopez;
3. Officer Jackson used no more force than was reasonably necessary to defend against the danger posed to him by Mario Lopez; and
4. Officer Jackson's fatal shooting of Mario Lopez was justifiable homicide.

# EXHIBIT 1

T R A N S C R I P T

May 20, 2011, 911 Call by Lucky Lopez

O = Operator

CHP = CHP Dispatcher

LL = Lucky Lopez

O: 911

CHP: CHP, with a transfer.

LL: My husband is on drugs, I have a 17 year old girl in my house, my husband's on probation for domestic violence . . .

O: Okay, you said you're arguing with your husband?

LL: No, he's on drugs, and he he's uh, he's assaulting me thinking someone is having sex with me in my clothes, and uh, groping me and trying to get in my clothes . . .

O: What's your address?

LL: 66 Leighton

O: What's your name?

LL: My name's Lucky Lopez.

O: What's his name?

LL: Mario Lopez.

O: Okay, have either, and he's been drinking you said?

LL: He's been drinking all day and he's on methamphetamine, or cocaine. I'm not sure which.

O: Okay, do you have any weapons in your home?

LL: No.

O: Okay. Do you need any ambulance, at all?

1 LL: Um, uh, I don't think he needs an ambulance, I don't  
2 need one.

3 O: Okay. We'll go ahead and send someone out there. Is  
4 he still inside the house, or is he out-

5 LL: Yeah, he won't, he won't leave.

6 O: How old is he?

7 LL: He's 44, I have a restraining order on him.

8 O: Okay. What color shirt and pants does he have on  
9 today?

10 LL: He has camouflage shorts, and a red plaid shirt,  
11 black, um, Chuck Taylors.

12 O: Okay. We'll send someone out there, okay?

13 LL: Okay. Thank you.

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## EXHIBIT 2

T R A N S C R I P T

May 20, 2011, Interview with Lucky Lopez

DS = Detective Star

LL = Lucky Lopez

1  
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6 DS: I just wanted to let you know where we're at right  
7 now, because -  
8 LL: You killed my husband.  
9 DS: I'm sorry for your loss.  
10 LL: I have nothing to say to you, 'cause you killed my  
11 husband.  
12 DS: Fine, I just wanted to let you know, 'cause I know  
13 you're stuck on that, right now, so, and that's  
14 understandable, I just wanted to let you know that we  
15 have to process the crime scene, you know, being as  
16 what happened, and you know -  
17 LL: It's been taking a really long time.  
18 DS: And it's gonna take even longer. The process is very  
19 (unintelligible), you know, it's all very you know  
20 technical, and (unintelligible) the scene and that's  
21 gonna take a while, and in the meantime . . .  
22 LL: Like I could have talked to him before he died and you  
23 guys wouldn't even let me fucking talk to my husband.  
24 DS: I'm sorry, -  
25 LL: No you don't understand, -  
26 DS: I don't -  
27 LL: you're "I'm sorry" -  
28 DS: I'm not saying that I do -

1 LL: you don't give a fuck about me, you'll never fucking  
2 see me again, you don't fucking - save it. I want to  
3 see my husband.

4 DS: That's not necessarily true. But what I do know is  
5 that you're going to be standing out here for a very  
6 long time, and -

7 LL: I want to see my husband.

8 DS: Okay, in the meantime while what we're doing  
9 (unintelligible).

10 LL: I want to see my husband.

11 DS: That's your option as well, I just wanted to let you  
12 know it will probably be a couple of more hours - at  
13 least.

14 LL: Here I'll be.

15 DS: Okay.

16 LL: Waiting to see my fucking shot up husband that you  
17 guys fucking killed.

18 DS: Okay. Okay. I can understand why you would feel that  
19 way.

20 LL: Okay. You better, I want a name, I want a name of who,  
21 who the officer was that shot my husband.

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## EXHIBIT 3

DET. M. RIVARD #389

#11-05697

Bullet Strikes

Lopez Hiding Place

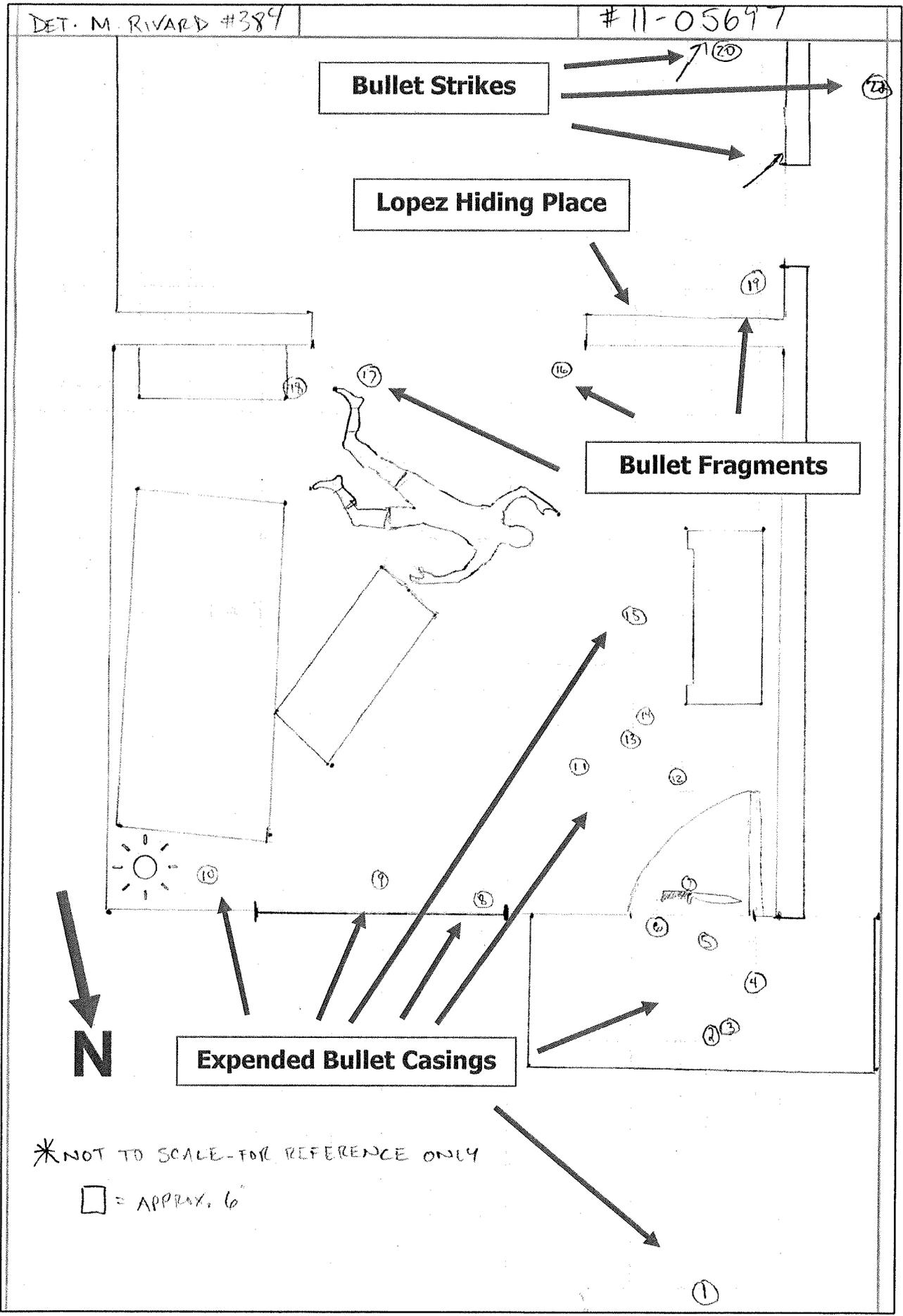
Bullet Fragments

Expended Bullet Casings



\*NOT TO SCALE-FOR REFERENCE ONLY

□ = APPROX. 6'



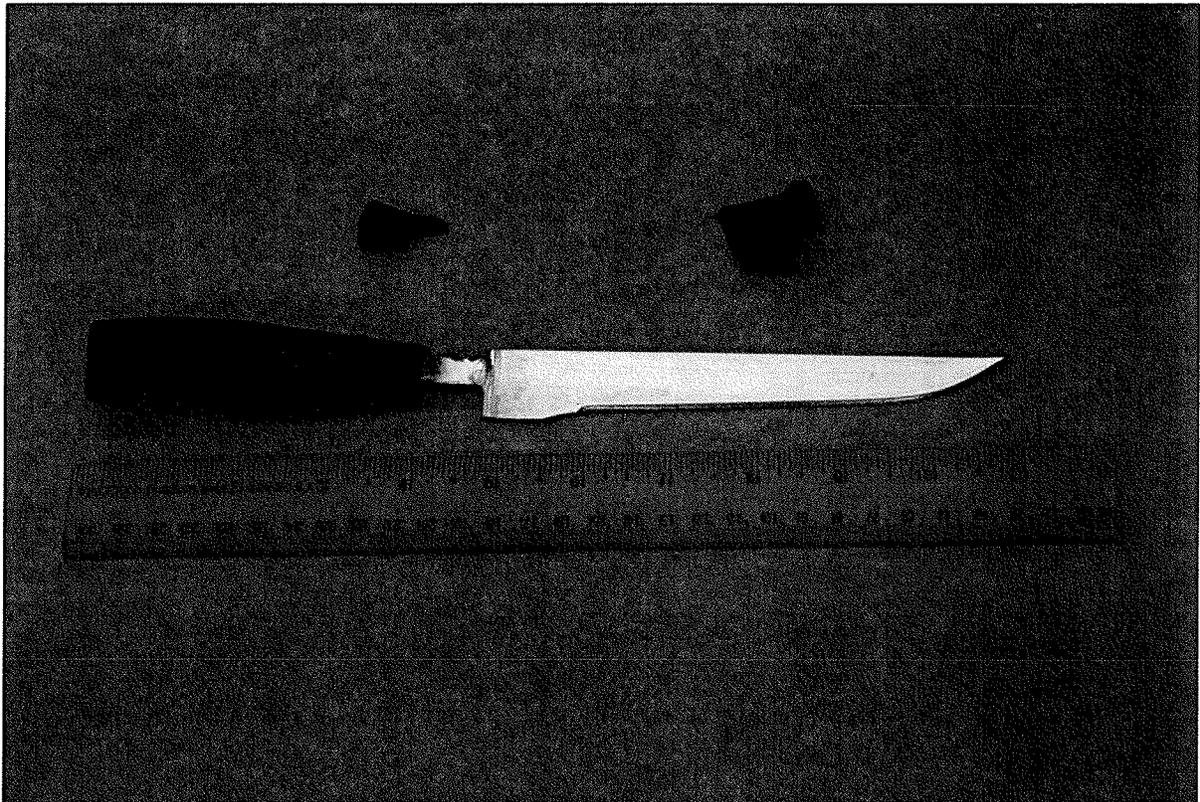


# EXHIBIT 4

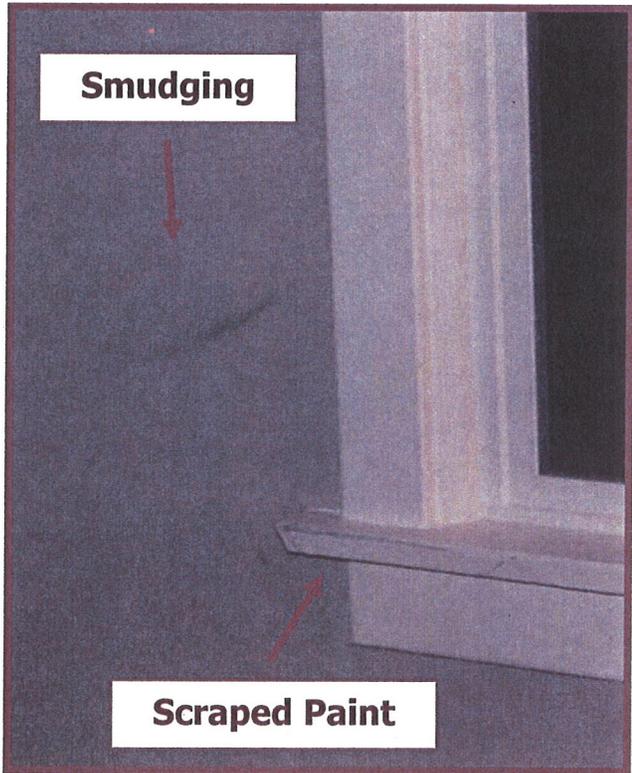
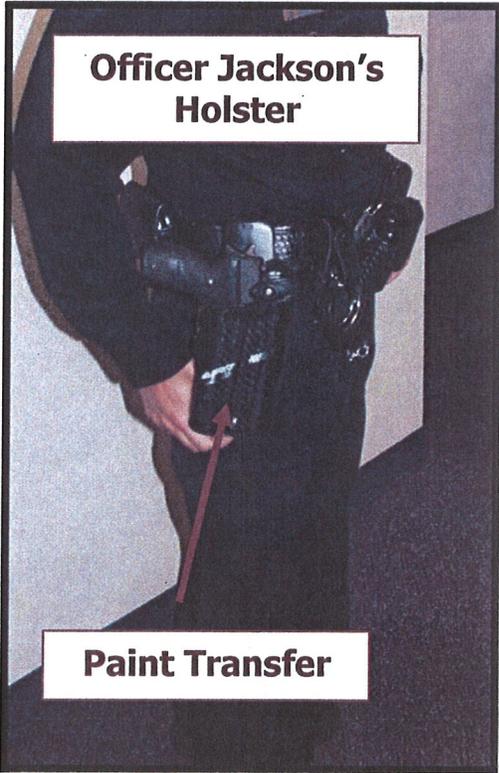
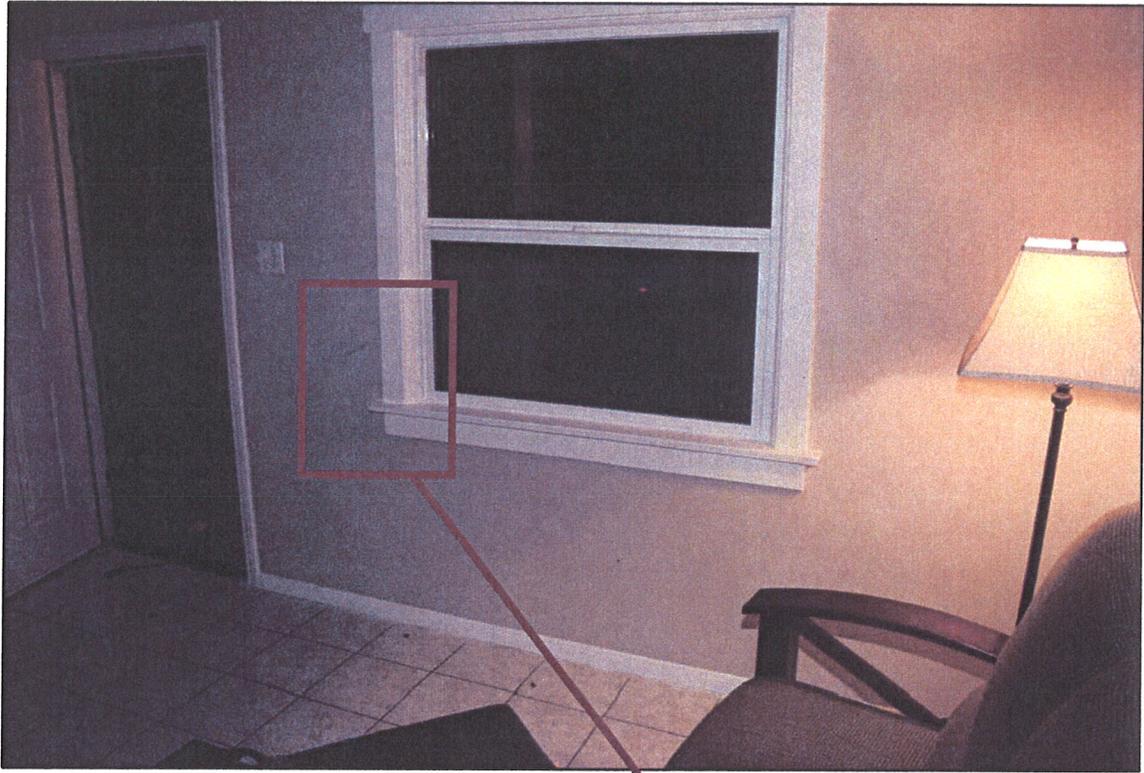


## EXHIBIT 5

**Knife's Resting  
Place After Officer  
Jackson Kicked It**



# EXHIBIT 6



# EXHIBIT 7

