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October 17, 2013

**PUBLIC REPORT ON OFFICER INVOLVED SHOOTING OF ROBERT MICHAEL GUZMAN
BY LAW ENFORCEMENT OFFICERS ON JANUARY 13, 2013**

The Santa Barbara County District Attorney's Office has completed its review of the investigation by the Santa Barbara County Sheriff's Office of the homicide of Robert Michael Guzman that occurred on January 13, 2013, in Santa Maria, California.

The District Attorney finds the shooting was a justifiable homicide under Penal Code section 196(2).

SUMMARY

On January 13, 2013, at 10:22 p.m., the Santa Maria Police Department received a 911 call from Patty Castro, a resident in the City of Santa Maria. Ms. Castro reported that her neighbor, who was bleeding from her chest, and her ten-year old granddaughter, fled to Castro's house. [The stabbing victim will be referred to as Jane Doe for purposes of this report, as she was a victim of domestic violence.] Ms. Castro reported that Jane Doe had a knife wound to her chest that was actively bleeding. Ms. Castro stated that Robert Guzman, Jane Doe's husband, followed Jane Doe to Ms. Castro's home and broke a window to gain entry. Ms. Castro was hiding in her locked bathroom, while speaking to the 911 operator.

At the same time Ms. Castro locked herself in the bathroom, Jane Doe ran out the side door of Ms. Castro's house. Jane Doe climbed the fence into the neighbor's yard and begged the Salazar family to let her in their house. Jane Doe told the Salazar family that her husband had stabbed her. The Salazar family let her in their home and immediately dialed 911.

Several officers arrived on scene to find Guzman inside Ms. Castro's home with what appeared to be bolt cutters or pruning shears in his hand. Officers ordered him to drop the item and come outside. Guzman could be seen by the officers through the broken front window and through the locked security front door. Instead of complying with the command, Guzman aggressively approached Officer Brice and deliberately smashed more of the broken window directly in front of where Officer Brice was standing. Guzman then disappeared from the officers' view.

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Shortly thereafter, Guzman emerged from the open garage door, holding the pruning shears above his head. Officers drew their firearms as they ordered him to drop his weapon. He yelled out a “war cry” and rushed directly at the officers. Officer Brice deployed the less lethal beanbag gun, striking him in the chest. Guzman appeared to be unaffected by the less lethal force. He continued rushing forward at the officers, which forced Officers Alvara and Santiago to fire their long rifles, striking Guzman several times. Medical personnel arrived and pronounced him deceased at the scene.

The District Attorney’s role in reviewing this homicide is to determine whether the shooting of Robert Michael Guzman was lawful and to provide a detailed explanation to the public about the facts and the law in that regard. As stated in *Graham v. Connor* (1989) 490 U.S. 386, this process “requires careful attention to the facts and circumstances.” Hence, this analysis will give careful attention to both the facts and circumstances of the fatal shooting of Robert Michael Guzman.

PART I - STATEMENT OF FACTS

Relevant Officers’ Statements

Officer Andrew Brice

Santa Maria Police Department Officer Andrew Brice was working patrol in the Santa Maria area on January 13, 2013. He was in full uniform and driving a marked black and white Santa Maria Police Department patrol car. He responded to a call around 10:00 p.m. of a female victim of a stab wound. He heard dispatch say she had been stabbed somewhere on her chest and it would not stop bleeding. He heard that the suspect was armed and was currently attempting to break into someone’s house. He could tell from the frantic sound of the dispatcher’s voice that he needed to get there as soon as possible.

Officer Brice knew Officer Alvara was just behind him. Officer Brice parked a couple of houses down and approached the home on foot. He knew from the sound of the radio traffic that they did not have any time to waste; therefore, both officers ran towards the house. He noticed the garage door was open, the front door was open, but the security screen was closed. He also saw that the front window was broken out in the middle, with jagged edges of glass remaining. He could not see anyone at first, but he heard a moan coming from inside the residence. At that point dispatch informed him that the female victim was next door at another neighbor’s home.

Officer Brice saw a man running down the hall towards the front door with something red in his hands. Officer Brice yelled out, “What does he have? What does he have?” Officer Brice heard one of the other officers say he had bolt cutters. Officer Brice yelled “Police” several times and “Show me your hands.” Officer Brice had his handgun pointed at the suspect through the broken window, while he was approximately ten feet from the suspect. Guzman turned, looked at Officer Brice, raised the bolt cutters above his head like a baseball bat and swung at Officer Brice through the broken window. Officer Brice quickly backed away from the window. He realized that none of his force options other than his handgun would work under the circumstances. He knew that even if he used his Taser, he could not get into the house to reach the suspect because the door was locked. He also recognized that his baton and his pepper spray were not options in this scenario. He tactically retreated and ran to his car to get his beanbag gun because he wanted to have a less lethal force option available. Officer Brice could hear the other officers

repeatedly yell commands to “Drop it” and “Come out with your hands up.” At this point Officers Cassandra Coria, Felix Diaz, Paul Santiago, and Rudy Alvara were all on-scene.

Officer Brice ran back towards the house with the beanbag gun. He did a quick check of the weapon to make sure it was loaded with a beanbag. He then chambered the beanbag and put the weapon on fire as he approached the house. Officer Brice repeatedly yelled to the other officers, “I have the beanbag, I have the beanbag.” As he approached the house he could hear movement from the back of the garage. Officer Brice told Officer Alvara that the suspect was coming from the back of the garage now. Guzman yelled out, “Ahhhhhhh!” as he charged out towards the officers while holding the bolt cutters above his head. Officer Brice fired the less lethal beanbag gun from between fifteen to eighteen feet away, striking Guzman in the left upper part of his chest. The beanbag had no apparent effect on Guzman, who continued charging directly at the officers with his weapon above his head. Officer Brice then heard gunshots off to his left and saw the suspect fall to the ground.

Officer Brice knew that dispatch said there may be a child and possibly another woman hiding in the house. Officer Brice wanted to make sure everyone in the house was alright, so he left the other officers to cover the suspect. Officer Brice kicked a hole in the security door so he could reach through and open the door from the inside. He called into the house several times. A little girl wearing pajamas, who was approximately 10 years old, came running to him with her arms outstretched. She was screaming and crying, so Officer Brice picked her up in a bear hug and carried her out of the house to safety. He carried her to his patrol car and placed her in the front seat. He tried to talk to her and calm her down. Once he made sure she was ok and she was warm enough, he locked her in the front seat of his patrol car, so he could return to the house to help the other officers. Officer Brice learned that Officers Diaz and Alvara both had fired their rifles. Officer Brice went next door to check on the victim of the stabbing. The stabbed victim started screaming and swearing at Officer Brice. She demanded to know why they shot Guzman. He could see she had a stab wound to her chest that continued to bleed, but she would not let Officer Brice touch her. Medics arrived soon after and treated the stabbing victim.

Officer Rudy Alvara

Santa Maria Police Department Officer Rudy Alvara was working patrol in the Santa Maria Area on January 13, 2013. He was in full uniform and driving a marked black and white Santa Maria Police Department patrol car. He was dispatched to a call of a woman who had been stabbed with a knife in the chest area and was at a neighbor’s home calling for help. On the way to the call he received updated information that the suspect was at the neighbor’s home trying to force entry into the house. Officer Alvara grabbed his rifle when he was a couple of blocks away and chambered a round, because he did not believe it would be tactically safe to wait until he arrived to do so.

Officer Alvara pulled up in front of the neighbor’s house. He could hear banging inside the house consistent with someone trying to break into the house. Officer Alvara could also hear a woman crying from inside the house, but could not tell exactly where she was. Officer Alvara noticed the garage door was open as he walked up the driveway. He could see the front window was shattered and Guzman was inside the house holding a pair of bolt cutters or pruning shears. Officer Alvara ordered him out at gunpoint and ordered him to drop his weapon, but Guzman simply stared at Officer Alvara blankly. Guzman attempted to open the front door, while still holding his weapon, but the security gate on the front door prevented him from opening it. Guzman moved towards the window and started striking the

window with the pruning shears, while Officer Brice was standing close to the window. Guzman then walked towards the back of the house out of Officer Alvara's view. Officer Brewer, who was at the front door, told them that Guzman was going back towards the kitchen and he appeared to be grabbing something. Officer Alvara believed that Guzman grabbed another weapon or a knife.

Officer Coria walked a female out of the garage to safety and then Officer Coria walked back towards the garage. Officer Alvara could hear Guzman coming from the back of the garage and then he saw him walk out of the garage door. Officer Brice had the less lethal shotgun and he was standing somewhere off to the right of Officer Alvara. Officer Alvara repeatedly ordered Guzman to drop his weapon, but he continued to hold the pruning shears in his hand. Guzman then raised the weapon and charged at a sprint towards Officer Alvara. Officer Brice deployed the less lethal beanbag gun, which struck Guzman but had little-to-no effect as Guzman continued forward. Officer Alvara feared for his life, his partner's life, and the people who may still be in the house. Officers Alvara and Santiago fired their rifles, striking Guzman, and he fell to the ground. Officer Alvara reported "shots fired" over the radio and asked for medics to be dispatched. Sergeant Van Meel arrived and took over the scene.

Officer Paul Santiago

Santa Maria Police Department Officer Paul Santiago was working patrol in the Santa Maria Area on January 13, 2013. He was in full uniform and driving a marked black and white Santa Maria Police Department patrol car.

He heard dispatch broadcast that a female had been stabbed in the chest and the bleeding would not stop. He then heard that the male who stabbed the female was armed, actively trying to break into the neighbor's house, and pursuing other people in the house. When Officer Santiago arrived on scene, Officers Brice and Alvara were yelling commands at the front of the house. Officer Santiago grabbed his AR-15 rifle from his car and ran towards the house. Officer Santiago could see Guzman staring at them from inside the house, through the front window. Officer Santiago recognized the other officers had the front covered, so he ran towards the far end of the garage to cover that area. He saw Officer Cassandra Coria using her body to shield a woman behind her. Officer Coria was walking the woman away from the house with her weapon drawn. Officers Brice and Alvara then started to yell that the suspect was going to the back of the house.

Guzman went through the house, where he entered the back of the garage. Officer Santiago heard the other officers describe Guzman's weapon as bolt cutters, but he believed they looked like pruning shears with red handles. Officer Santiago repeatedly yelled at Guzman to drop his weapon, as did other officers to the right of Santiago. Officer Brice yelled that he was going to get the beanbag gun. A short time later, Guzman raised the pruning shears up in his right hand in a striking motion as he charged towards the officers. He charged just to the right of Officer Santiago, straight at the other officers. Officer Santiago knew he had Officers Brice, Alvara, and Coria to his right. Officer Santiago was afraid for his life and the life of his partners. Officer Santiago believed Guzman was going to seriously injure or kill one of them, so he fired his rifle three to four times, from between fifteen to twenty feet away from Guzman. Guzman immediately went down to the ground. Officer Santiago could not see Guzman's hands or the pruning shears that were underneath Guzman. Sgt. Paul Van Meel arrived and instructed the shooting officers to back out of the scene. Other officers entered the house to look for other possible victims.

Officer Cassandra Coria

Santa Maria Police Department Officer Cassandra Coria was working patrol in the Santa Maria Area on January 13, 2013. She was in full uniform and driving a marked black and white Santa Maria Police Department patrol car. Officer Coria heard a radio call of a child who went to the neighbor's house because her grandma cut her hand. She heard the call quickly change to one of a stabbing victim and a suspect actively trying to break into a residence. When Officer Coria arrived, she saw Officer Alvara was already on scene.

Officer Cassandra Coria approached the side of the garage, where she saw a female, later identified as Patsy Castro, come out of the residence. The female, who was crying, told her that a little girl and possibly another female were still inside the house. Officer Coria ushered the woman over to a neighbor's home. Officer Coria was very concerned about the welfare of the little girl at that point. She returned to the house when she saw Guzman through the broken window and she heard one of the other officers say that he had bolt cutters. The other officers ordered him to drop his weapon, but he did not comply. She heard glass shatter and she saw glass flying towards the officers. Guzman moved out of her view and she heard another officer say he was coming around to the side, so she turned towards the garage. Officer Coria had her handgun out and to her left Officer Santiago was positioned with his rifle.

Guzman stepped into the garage and made a growling noise. Officer Cassandra Coria could tell he was agitated and he refused to comply with any of the commands that were given to him by Officer Santiago. Guzman held the bolt cutters at chest level in an aggressive manner as he charged straight at Officer Santiago. Officer Santiago was just to her left when he fired his rifle at the oncoming suspect. Officer Coria estimated she was fifteen to twenty feet from the suspect at that point. Guzman fell to the ground after the shots were fired, landing on top of his hands and on top of his weapon. She knew Officer Brice had the beanbag gun, but she did not know if he fired it. Corporal Lopez arrived and handcuffed Guzman. She told the other officers that there was a little girl inside the house. One of the officers came out the front of the house, carrying the little girl. Officer Coria went to check on the female she helped over to the neighbor's house. She encountered a different female at that point, who was the stabbing victim. The stabbing victim was very angry with the officers for shooting Guzman. Medics arrived shortly after and attended to the stabbed victim.

Officer Gilbert Coria

Officer Gilbert Coria arrived after the shots had been fired. He assisted in clearing the house and then he attended to the child in Officer Brice's car. Officer Gilbert Coria took the child with him to the Santa Maria Police Department and he waited with her until Child Welfare Services arrived.

Statements of Medics

Frank Salamida

Frank Salamida is a medic who responded to the scene. He saw Guzman lying on the floor in the garage, not moving. He hooked Guzman up to a monitor but he found no heart rhythm. Guzman was pronounced deceased at the scene.

Joseph Serna

Joseph Serna is a medic who responded to the scene. He treated Jane Doe, loaded her onto a gurney, and into the ambulance. They were going to take her to Santa Barbara Cottage Hospital, but shortly after they left the house her condition worsened forcing them to divert to Marian Medical Center.

Statements of Civilian Witnesses

Patsy Castro

Ms. Castro was at home on the night of January 13, 2013, watching television at around 10:00 p.m. when a little girl started pounding on her door. The little girl told Ms. Castro that Jane Doe was bleeding from her hand and she needed someone to call 911. Ms. Castro called 911 and let the little girl talk to the police dispatcher. Ms. Castro told the little girl to stay with her, but the little girl ran back across the street when she heard Jane Doe calling for her.

Jane Doe and the little girl then ran back towards Ms. Castro's house with a man, later identified as Guzman, following them. Jane Doe and the little girl ran into Ms. Castro's home and they locked the door behind them. Guzman tried to open the locked door, but he could not get it open. He had what Ms. Castro thought was a knife in his hand and he used it to break the front window to Ms. Castro's house. Jane Doe then said that Guzman was going back to their house to kill himself and she told Ms. Castro to call 911, which Ms. Castro did immediately. Jane Doe was bleeding from her chest and she said, "He stabbed me." Jane Doe then said that Guzman was coming back as she screamed and ran.

Guzman hit the front window of the house again, shattering the glass. Ms. Castro thought he had a gun and she heard him coming into the house through the window. She later saw him with something that looked like red gardening shears. Ms. Castro saw Jane Doe run through the kitchen, which leads to the backyard, and she thought the little girl hid in the bedroom. Ms. Castro locked herself in the bathroom, while she remained on the phone with 911. She heard two loud pops when Guzman hit the window. Guzman then hit the locked bathroom door multiple times until it caused enough damage to the door that he was able to reach in and unlock the door. He opened the bathroom door and saw that only Ms. Castro was inside. She noticed he had a weird look on his face and she thought he was going to do something with the shears.

Ms. Castro could hear sirens in the background. Guzman then walked to the front door and tried to open it. As he struggled to try and open the front door, Ms. Castro ran from the house and out the garage. She noticed a steak knife that did not belong to her on the floor of her washroom. She saw a female officer outside who told her to go to her neighbor's house. She heard the officers yelling something at Guzman, then heard between 3-4 gun shots. Jane Doe was already at the neighbor's home and she started screaming after the shots were fired.

Diego Salazar

Mr. Salazar was at home when he heard his dog barking around 10:00 p.m. He turned the light on in the backyard and saw a woman in a complete panic, running across the yard towards him. She had blood covering her chest and she said her husband had just stabbed her. Mr. Salazar let her in the house and closed the door. Her behavior and the urgency in her voice made Mr. Salazar believe that her husband was still chasing her. Jane Doe came inside and ducked down in the kitchen, while Mr. Salazar locked the door. Mr. Salazar's wife got a towel for Jane Doe's wound and dialed 911. Mr. Salazar heard gunshots between eight to ten minutes after his wife dialed 911. Jane Doe "flipped out" at the sound of gunshots and wanted to go outside but officers yelled at her to stay in the house. Mr. Salazar saw four or five officers outside, some were standing and some were ducking. He noticed his neighbor, Ms. Castro, hiding on his porch, so he let her inside his home. Ms. Castro said, "He was in my house. I was in the restroom. He kept pounding on the door and he broke the door." Medics then arrived at his home looking for Jane Doe and they took Jane Doe away.

Dina Salazar

Mrs. Salazar and her husband were watching TV when they heard their dog barking in the backyard. Her husband went to the backyard and returned with a woman who she did not recognize. The woman was bleeding and she screamed, "He's behind me!" "My husband stabbed me!" Jane Doe was hiding on the kitchen floor and then ran into the bathroom. Mrs. Salazar dialed 911. Her neighbor, Ms. Castro, was hiding on the porch and was let into their home. Mrs. Salazar heard gunshots. Jane Doe became upset and tried to leave the house, but they kept her inside. Either police or medics arrived and tended to Jane Doe while Mrs. Salazar took care of Ms. Castro.

Jane Doe

Jane Doe had a stab wound above the heart that required medical treatment. Detective Dallenbach tried to interview her at the hospital, but she was too medicated to conduct an interview.

The following day Jane Doe arrived at the Sheriff's Office for an interview. She said she had met Guzman twenty-three years prior. She has five adult children from another relationship and at the time of this incident she was taking care of two of her grandchildren, ages 10 and 15. She admitted that law enforcement responded to their home approximately once a month because Guzman is "bipolar."

She said that on the 13th she was in her bedroom on her laptop when Guzman came in looking for his medication. He knocked the phone out of her hand and closed her laptop. She covered it with a pillow so he wouldn't break the laptop. She took out her cell phone and pretended to call the police, which caused Guzman to leave. He returned a few minutes later with a knife in his hand. He told her to give him the cell phone, and as she handed it to him he stabbed her in the chest. She was bleeding from her chest and she asked him why he did that. Guzman went to her granddaughter's room and started talking to her granddaughter like nothing happened. Jane Doe told Guzman that she needed stitches and she showed him how badly she was bleeding. When Guzman looked away, Jane Doe mouthed to her granddaughter to run and call 911. Jane Doe distracted Guzman by taking him to another room, while her granddaughter ran out the door.

Guzman had two knives in his hand. Guzman saw Jane Doe's granddaughter leave and told Jane Doe, "We're both gonna die;" "If you die, I die;" "We're going to die together;" "For better or worse, as husband and wife;" and "Nobody's gonna get out of here alive, we're gonna die, and we're gonna die together *Jane*." Jane Doe tried to be nice to Guzman, encouraging him to go lie down. Instead Guzman picked up another knife and told her he was going to lock the door so her granddaughter could not come back in. As Guzman went to lock the door, Jane Doe ran out the back door of the house. Jane Doe saw the front door to the house across the street was open and she heard her granddaughter calling for her. Jane Doe asked the neighbor to let her in, because Guzman was going to hurt her.

Guzman followed her across the street, where he began banging on the window to the neighbor's home. Guzman then left and went back across the street towards their home. Jane Doe was watching him through the blinds and was praying that her 13-year old granddaughter would not come home. Guzman came back with what Jane Doe believed was a hammer and some other device with red handles. He started banging on the window until it broke. Guzman looked at her like he was going to kill her and said, "I'm gonna get you, I'm gonna kill you;" "It's over;" and "It's ending for both of us." Jane Doe told Guzman she would go with him and begged him to stop and calm down. Guzman started clearing the glass away from the broken window.

Jane Doe tried to hide Ms. Castro and her granddaughter. Jane Doe then went out of the back door and climbed the fence into another neighbor's backyard. The dog was barking at her when she heard a man say, "Hey." She told the man her husband was trying to kill her and she asked for help. The man took her into his house and gave her a towel for her bleeding stab wound. She could hear an ambulance coming in the background. Ms. Castro from next door showed up and told her that Guzman was inside her house and had broken the door. Next they heard loud noises that sounded like bombs. Jane Doe tried to go out of the door, but the owner of the house would not let her. She wanted to know if her husband was dead. The police came and asked if she was alright, but she just wanted to know what happened to her husband.

10-year old child

Jane Doe's granddaughter was at home when she noticed her grandmother was hurt. She told detectives, "My papa was right there, I think he was the one who cut her." Her grandmother told her to go to the neighbor's home and call 911. The child ran to the neighbor and stayed there. She saw her grandmother come running to the neighbor's home yelling, "Lock the door!" Her grandmother came inside and they locked the door behind her. Guzman came to the window and started banging on the window. The child, her grandmother, and Ms. Castro all ran to hide. The child ran and hid in a bedroom. Ms. Castro hid in the hall bathroom and then she heard Ms. Castro yelling, "Stop, stop, stop!" The child came out of her hiding spot, but she ran back and hid when she saw Guzman was in the house. A few minutes later she heard a policeman yelling for her. She ran to him and he carried her out to his police car. After that she saw her grandmother being loaded into the ambulance. A female officer gave her a jacket to wear and a male officer took her back to the police department. (She cried throughout the interview and was very scared.)

Forensic Documentation of Shooting Scene

Jane Doe's house:

Detectives found a bloody towel in the hallway bathroom. A note in the garage that indicated Jane Doe and Guzman were ending their relationship and making arrangements for custody of her grandchildren and finances. They found several medications prescribed to Robert Guzman. Smears of blood were located on the master bedroom door, the door handle leading from the kitchen to the garage and the door frame on the door from the garage to the outside. There was a knife in the kitchen sink that is similar in appearance to knives found at the neighbor's home across the street.

Patsy Castro's home:

Detectives located nine rifle casings and one beanbag shotgun casing in the driveway outside the garage. They found a wood-handled knife in the planter outside the house, beneath the large front bay window that was broken. The front security door had significant damage to the mesh part of the door. The front room had broken glass on the floor. On the living room floor they found a cable remote, home phone handset, cell phone, and a bottle of Vodka. The home phone handset had been used to call 911. The cable remote did not belong to the owner of the home. Another knife was later found inside a planter, in the house near the broken bay window.

There was significant damage to the door that led to the hallway bathroom. There was a wood-handled knife on the floor of a washroom that leads from the kitchen into the garage. Guzman was found deceased inside the garage on the floor. There was a pair of red-handled pruning shears found next to Guzman with a white substance on the cutting ends. There was a pair of grey shears on the ground underneath folding chairs in the garage and a black-handled knife underneath the truck that was parked in the garage. Various bullet fragments were found in the garage. There were blood drops leading from the washroom into the backyard and smears of blood on the fence that led to the neighbor's home.

Autopsy

An autopsy was conducted on 49-year old Robert Guzman on January 15, 2013, by Dr. Robert Anthony. Dr. Anthony located a gunshot entry wound on the right lateral side of Guzman's neck. He found another gunshot entry wound on Guzman's right upper chest, one on the right lower chest, one on the left thigh, one on the right thigh, one above the right knee, one on the left upper shin and one on the right upper arm.

The cause of death is multiple gunshot wounds and the manner of death is classified as a homicide.

Suspect History

Jane Doe reported that Guzman had a long history of mental health issues. This is supported by the numerous medications located at Guzman's home. Guzman's criminal history details convictions for Trespass in 1988 (Penal Code section 602(n)); Reckless Driving in 2001 (Vehicle Code section 23103); Domestic Violence in 2002 (Penal Code section 273.5); Driving Under the Influence in 2002 (Vehicle Code section 23152(b)); Driving Under the Influence with Priors in 2008 (Vehicle Code section 23152(b)); and Driving Under the Influence with Priors in 2011 (Vehicle Code section 23152(a)).

Part II - LEGAL ANALYSIS AND CONCLUSION

Applicable Law

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of excusable and justifiable homicide which are lawful. The shooting of another person in self-defense or in the defense of others is justifiable and not unlawful. Penal Code section 196(2) defines justifiable homicide by public officers. "Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty." Under California law anyone, including a police officer, who is threatened with an attack that justifies the use of self-defense, need not retreat. The person attacked may stand his ground and defend himself, if necessary, by deadly force, even if he might have more easily gained safety by flight. See *People v. Newcomer* (1897) 118 Cal. 263, 273; *People v. Dawson* (1948) 88 Cal.App.2d 85, 95.

A police officer may use deadly force where the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. *Graham v. Connor* (1989) 490 U.S. 386; *Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334. In *Graham v. Connor* (1989) 490 U.S. 386, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident "including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." (*Id.*, at 396). Further the Court states, "[t]he 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight." (*Id.*, at 397). Moreover, "[t]he calculus of reasonableness must embody allowance for the fact that police officers are often forced to make a split-second judgment—in circumstances that are tense, uncertain and rapidly evolving—about the amount of force that is necessary in a particular situation." (*Id.*, at 397-398). Under *Graham*, we must avoid substitution of our personal notions of proper police procedure for the instantaneous decision of an officer at the scene. "We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes 'reasonable' action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure." *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347. *Graham's* definition of reasonableness has been described as "comparatively generous to police in cases where potential danger, emergency conditions or other exigent circumstances are present" (*Roy v. Inhabitants of the City of Lewiston* (1st Cir. 1994) 42 F.3d 691) and also as giving police "...a fairly wide zone of protection in close cases....*Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334.

Legal Analysis

On the evening of January 13, 2013, Robert Michael Guzman stabbed his wife in the chest with a knife. His wife's ten year old granddaughter ran across the street to the neighbor's home to call 911. Guzman told Jane Doe that they were going to die together and he was going to kill her. Jane Doe was able to escape out of the back door, and she ran to the neighbor's home for help. Guzman followed her to the neighbor's home, where he used pruning shears to break the front bay window. Guzman gained entry into

the neighbor's home through the broken window. He brought with him several knives and pruning shears to kill Jane Doe.

Guzman used the pruning shears to break through the hallway bathroom door, where his neighbor Patsy Castro was hiding. It is hard to imagine the sheer terror experienced by Ms. Castro, Jane Doe and the little girl during these series of events. Guzman opened the bathroom door to find Ms. Castro hiding inside. He left the bathroom, continuing his search for Jane Doe. Jane Doe was able to escape out of the back door and climb over the fence into another neighbor's yard. Jane Doe's other neighbor allowed her into their home to hide from Guzman. Officer Cassandra Coria arrived and was able to rescue Ms. Castro, leading her to another neighbor's home, while shielding her with Officer Coria's body.

SMPD Officers arrived and repeatedly ordered Guzman to put his weapons down, show them his hands and come out. Guzman lunged at Officer Brice, attempting to strike him with the shears through the broken window. Officer Brice retreated to his car to arm himself with the less lethal beanbag gun. Guzman went to the back of the house, reappearing through the garage. Guzman raised the pruning shears above his head, yelled out, and ran towards the officers. Officer Brice fired the less lethal beanbag gun, striking Guzman in his chest. The beanbag gun had no effect on the forward movement of Guzman, as he continued towards the officers with his weapon. Feeling a direct threat to their lives, Santa Maria Police Department Officers fired their AR-15 rifles at Guzman, striking and killing him. Officer Brice then broke open the front door, so he could access the house. The ten year old girl came running to him with her arms outstretched, screaming and crying. Officer Brice picked her up and carried her to the safety of his patrol car. All of the officers' actions were reasonable under the standard set forth in *Graham* based on the totality of circumstances in this case.

CONCLUSION

Based on the investigation by the Santa Barbara County Sheriff's Office, applying the law as set forth in PC 196(2), and the cases cited *supra* in this report, all of the officers acted reasonably in their use of deadly force; therefore, the shooting of Robert Michael Guzman is a justifiable homicide.