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Sheriff Raymond Loera
Imperial County Sheriff's Office
328 Applestill Road
El Centro, CA 92243

Re: Fatal shooting of Mr. Adrian Parra on April 18, 2014 by Imperial County Sheriff's Deputy Marco Contreras; Imperial County Sheriff's Office Incident No. 1404-1925; Deputy District Attorneys assigned: Jack A.P. Albertson and Marco D. Nunez

Dear Sheriff Loera:

We have reviewed the reports and other materials compiled by your agency concerning the fatal shooting of Mr. Adrian Parra by Imperial County Sheriff's Deputy Marco Contreras on April 18, 2014. The case was submitted to the District Attorney's Office for review on July 17, 2014.

Summary

On April 18, 2014, Adrian Parra ("Parra") was stopped by Imperial County Sheriff Deputy Marco Contreras ("Contreras") for a traffic violation on Highway 86 in Salton City, California. After a firearm was discovered during a search of the vehicle's trunk area, Parra attempted to flee from Contreras and another deputy, Kevin Bachant ("Bachant"), running southbound both within and alongside the traffic lanes of Highway 86. At one point, Parra reversed course and headed back towards his vehicle with both deputies still in foot pursuit. Upon arrival back at his vehicle, Parra reached into the still-opened trunk, recovered the firearm and pointed it at Deputy Contreras. In response, Contreras fired seven rounds at Parra from his own duty weapon. Parra fell to the ground and died of his injuries minutes later. Immediately thereafter, the Imperial County Sheriff's Office ("ICSO") commenced an investigation into the shooting.

Persons Involved

Mr. Adrian Parra was 19 years old at the time of this incident and lived in Mecca, California.

Deputy Marco Contreras and Deputy Kevin Bachant were assigned to the ICSO North County Operations in Salton City, California at the time of this incident.

Facts

Deputy Marco Contreras was parked on the side of Cooling Springs Road and Highway 86 in his fully-marked and equipped Sheriff's canine unit in the late afternoon of April 18, 2014.¹ While monitoring traffic, he noticed a burgundy or red colored vehicle traveling southbound on Highway 86 with tinted front windows, a violation of California Vehicle Code § 26708(a)(1). Contreras entered the southbound lanes of Highway 86 and, while proceeding behind the vehicle, noticed that it drifted onto, and straddled, the right shoulder of the roadway, a violation of Vehicle Code § 21658(a). Using his emergency lights, Contreras stopped the vehicle south of Brawley Avenue, approximately one-half mile north of the Red Earth Casino in Salton City, California.

Contreras made contact with the driver, and the vehicle's sole occupant, Adrian Parra. As he began speaking with Parra, Contreras smelled a strong odor of marijuana coming from inside the vehicle. The driver exhibited objective signs of being under the influence of a controlled substance and admitted to possessing marijuana in the car. Parra handed Contreras a jar containing marijuana and a pipe. Parra admitted he was on probation for possession of marijuana and consented to a search of his vehicle. Contreras, via two-way radio, contacted Deputy Kevin Bachant and asked him to respond to the location. Bachant arrived shortly thereafter.

When Bachant responded to Contreras' location, Parra was asked to step out of the vehicle and was patted down for weapons. Parra stood alongside the highway with Bachant while Contreras searched the vehicle. Contreras circled the vehicle with his service canine. The canine alerted on the vehicle and was then placed back inside Contreras's unit. While Bachant stood next to Parra, Contreras began a systematic search of the latter's vehicle. Inside the vehicle, Contreras located a prescription bottle of liquid codeine which Parra said belonged to his sister, although he admitted to drinking from it once while smoking marijuana. In the trunk, Contreras located a blue backpack. When he picked the backpack up, he noticed that it felt unusually heavy. Opening the zipper, Contreras saw that the bag contained a firearm. Contreras showed the gun to Bachant and signaled for him to place Parra in restraints by folding his arms into the shape of an "X." Bachant then attempted to grab Parra's wrist, but Parra, who had also seen Contreras's signal, twisted away from him and began running south bound on the dirt shoulder of Highway 86. Contreras ordered Parra to stop but he refused.

Both officers took off in foot pursuit of the suspect. Fearing Parra might be hit by passing vehicles or might otherwise cause an accident, Contreras drew his taser and deployed it at Parra, but it had no effect; in fact, the officer could not even be sure that the prongs reached Parra. Bachant also deployed his taser but it too was ineffective. Both officers continued to pursue Parra as the suspect ran south bound.

¹ The facts related here are a compilation of the various written reports and interviews conducted by Sheriff's investigators, as well as, other officers involved in the incident.

At one point, Bachant stumbled and fell to the ground, causing him to fall behind in the chase. Contreras continued to pursue Parra as he crossed the highway and began running on the dirt median. Suddenly, Parra reversed course and ran north bound, heading back towards his vehicle.

Remembering that he had left the firearm in the vehicle's trunk, Contreras continued his pursuit, hoping that Parra would not attempt to retrieve the weapon. Moments later Parra reached the vehicle's trunk, just about the same time Contreras was catching up to him. Looking through the opening between the bottom of the still-opened trunk lid and the body of the car, Contreras saw Parra manipulating the weapon as if he was chambering a round and getting ready to fire. Contreras saw Parra raise the weapon and point it directly at him. Fearing for his own life and that of Deputy Bachant, Contreras responded by firing several rounds² from his duty weapon. After he had been hit a couple of times, the weapon dropped out of Parra's hands; the suspect fell to the ground and rolled towards Deputy Contreras.

Bachant, who had fallen during the foot pursuit, had seen Parra reverse his course and head back towards his vehicle. He did not know whether Parra's intent was to get into his vehicle and escape or to reach for the weapon inside the trunk. Bachant dropped the taser still in his hand and reached for his service weapon. As he ran back towards Parra's vehicle, Bachant saw that the trunk was still open and that Contreras was closing in on Parra. While he heard the shots, Bachant did not actually see the shooting. When he reached the vehicle, Bachant saw Parra on the ground and that Contreras had walked around to the other side of Parra. Calling out, "crossfire, crossfire," Bachant had Contreras place his weapon in the low ready position and Bachant then moved in and handcuffed Parra. Bachant would later tell investigators that at no time during the pursuit did he hear Parra say anything to the officers, although he recalled that he himself verbally ordered Parra to stop running; he did not recall if Contreras had issued any verbal commands.

Parra was pronounced dead at the scene.

Investigation

Senior Deputy Sheriff Matthew Argandona ("Argandona") is the officer in charge of North County Operations and the Salton City Sub-Station. On April 18, 2014 at 5:50 p.m., he was at the Brawley Sub-Station monitoring radio traffic. He knew that Contreras and Bachant were involved in a traffic stop at Brawley Avenue and Highway 86. At 6:27 p.m., he heard Contreras announce over the radio that he was in foot pursuit; shortly thereafter, Contreras announced that there had been an officer-involved shooting and was requesting paramedics to respond to his location. Bachant also made a similar request. Paramedics were promptly dispatched.

² Contreras later told investigators that he did not remember just how many rounds he fired.

Argandona immediately responded from the Brawley Station and arrived on scene at 6:54 p.m. Argandona met with Contreras and was assured that neither he nor Bachant had been injured. Contreras stated he did not know how many shots he fired, but that he fired them in a north, northwest direction, striking Parra. Argandona saw Parra lying motionless on his stomach with his hands handcuffed behind his back. His head was lying towards the north and his feet and legs to the south between the front bumper of Contreras's patrol vehicle and a maroon, four door Chevrolet sedan. Parra's lips had a bluish tint and his skin was pale gray. Upon inspecting the body closely, Argandona saw a bloody wound on the left side.

Next, Argandona inspected Parra's vehicle. He saw that the trunk lid was opened and a weapon was laying in plain view. He spoke to Bachant and learned from him that Parra was the only subject involved and that he believed four or five shots had been fired by Contreras; Bachant had not fired his service weapon. Argandona then took steps to secure the scene from being contaminated and he then began searching for witnesses and other physical evidence.

He took 21 photographs of the decedent and physical evidence found in the number two lane of Highway 86. This physical evidence included five spent shell casings that were consistent with the type of ammunition used by Sheriff's deputies. Later, the two spent taser probes of Bachant and Contreras were also discovered in this area.

In the course of his initial investigation, Argandona learned from Contreras that a possible witness to the incident was parked in a white van about 100 yards south of the scene. He contacted the occupants of that van, who included the driver, Francisco Duron, Jr., and two minor children. Each witness was interviewed separately by Sheriff's Investigators Rodolfo Moreno ("Moreno") and Murad Masad ("Masad") at the Salton City Sheriff's Sub-Station.

Statement of Francisco Duron, Jr.

Mr. Duron told the investigators that at about 6:00 p.m. he and his family were traveling southbound in the number one lane of Highway 86 en route to Arizona. As he approached the traffic stop, he saw Sheriff's deputies chasing Parra alongside Highway 86 in the dirt median. At one point, Parra reversed course and ran northbound in the southbound lane of traffic, forcing Duron to come to a complete stop in order to avoid hitting Parra or the pursuing deputies. When Parra arrived at his (Parra's) car, Duron saw him briefly raise his arms as if he were about to surrender to the deputies, but then he turned and walked back to the trunk area where it appeared he was retrieving "a bag or something like that." (He later said that it was a blue backpack and that the trunk was already open when Parra arrived at his vehicle.) It was at that point that the Sheriff's deputy (Contreras) shot him. Duron remembers four or five shots being fired and that the officer was very close to Parra when he shot him. Duron said that he himself was about 10 feet away from Deputy Contreras as these events unfolded. He further stated that

Parra never attempted to get into the vehicle and that he went directly to the trunk area. Once the shooting stopped, Duron pulled over to the side of the road.

Statement of Minor No. 1

Minor No. 1 told investigators that Parra ran through the median with the officers in pursuit. Parra was described as wearing a black tee shirt. Minor No. 1 did not see what Parra was doing once he got to the vehicle and described the whole incident to be "a blur," as it happened so fast. Minor No. 1 did see Contreras shoot him.

Statement of Minor No. 2

Minor No. 2 who was sitting in the back seat, saw the police chasing Parra. At one point, the witness thought that Parra was going to surrender, but then saw him go to the trunk area of his car. Minor No. 2 heard Minor No. 1 screaming as Minor No. 2 simultaneously heard some loud explosions—"boom, boom, boom." Minor No. 1 then heard Francisco Duran instruct both minor witnesses to look away. Their vehicle continued on a little further down the road and pulled over. But, as they passed by the scene, Minor No. 2 saw Parra laying on the ground with one of the "electrical things that come off tasers" on his leg.

Physical Evidence

After interviewing the Duron family, Moreno and Masad returned to the scene to look for physical evidence. Inside the trunk of Parra's vehicle, a 9mm Luger "AA Arms, Minthill, Inc., MOD AP9, semi-automatic pistol with magazine was found. The weapon was removed from the trunk and rendered safe. A total of 8 full metal jacket 9mm rounds were found inside the magazine; there was no round in the gun's chamber. The weapon was turned over to the Sheriff's Scientific Investigations Unit.

Dash Cam Video

Moreno returned to the Brawley Sub-Station and reviewed the video from Bachant's on dash unit camera. The video showed the two officers talking to Parra while he was still inside his vehicle. Parra was seen exiting the vehicle and he walked over to the dirt shoulder where the two deputies continued to talk with him. Contreras is seen conducting a pat down on Parra and later using his canine to search the exterior of Parra's vehicle. Once the canine had been returned to the patrol vehicle, Contreras could then be seen searching the passenger compartment of Parra's vehicle. Contreras moved around to the trunk. Moments later, Contreras is seen moving towards Parra as he appears to be reaching for his handcuffs. Deputy Bachant can also be seen reaching for Parra's wrist. Parra then spins away from Bachant and is seen running southbound along Highway 86. Parra and Contreras are seen crossing both lanes of the highway to the dirt median. Parra then runs back towards his vehicle with Contreras close behind. Parra is seen running to the vehicle's trunk area. (Parra could no longer be seen after this point as Deputy Contreras's unit blocked the camera's view of him.) Contreras could be seen running up to the vehicle on its east side as he was drawing his service weapon.

Contreras then aims in Parra's direction: seven rounds were heard as the officer discharged the weapon. Contreras stopped firing after the seventh round.

Contreras is then heard over the radio as he notifies dispatch that there has been an officer-involved shooting and that paramedics, as well as additional units, were needed. Contreras then moves over from the east to the west side, crossing in between Parra's vehicle and his own unit. Bachant is then seen running up and he begins to assist in securing the scene and waiting for paramedics to arrive.

Interviews of Contreras and Bachant

Both Contreras and Bachant were interviewed separately by investigators with their legal representatives present and testify as stated above. During his interview, Contreras reiterated that, in his own mind, had he been so much as a second slower, Parra would have shot both he and his partner, and that, at the moment he fired, he feared for his own life and that of Deputy Bachant. For his part, Bachant stated that it was his belief that Parra was going to kill both he and Contreras. He also stated that he remembered seeing the weapon in the trunk of Parra's vehicle after the shooting had stopped.

Coroner Investigation

At 7:22p.m., Deputy Coroner Steven Green ("Green") was notified via his cell phone that there was a deceased person on Highway 86 just south of Brawley Avenue in Salton City; he drove to the area, arriving at 9:21p.m. Once there, he discovered the decedent, a 19 year old Hispanic male, weighing approximately 180 pounds, with black hair and brown eyes, lying in a prone position between the rear bumper of the decedent's vehicle and the front bumper of Deputy Contreras's patrol vehicle. The decedent's head was lying in a northern direction while his feet and legs were to the south. Green observed signs of rigor mortis and lividity, but he saw no signs of medical intervention. The decedent was wearing a black shirt, gray pants, and Jordan brand tennis shoes.

Upon closer examination, Green saw that Parra showed no signs of petechial hemorrhaging or cyanosis. He observed six gunshot wounds: one to the left shoulder; one to the right chest; one to the left abdominal area; one to the back of the neck; another to the left back and still another through the left arm and into the left chest. The decedent was placed in a removal pouch with an anti-tamper seal attached. He was then transported to the Imperial County Coroner's Facility located at 799 Highway 86 in Brawley, California (Frye's Chapel and Mortuary).

The autopsy was performed four days later by Dr. Darryl J. Garber (Garber), a forensic pathologist. Because there is no dispute as to who shot Parra, it need only be said here that Garber noted a total of six bullet wounds, five of which would have been fatal even in the absence of the others. The only wound that would not have been fatal was labeled by Garber as the third wound, a through and through perforation to the left anterior abdominal wall, an area of the body consisting of only skin and soft tissue. A total of five bullets were recovered from the decedent.

As per usual, tissue samples were collected and sent out for analysis. On May 9, 2014, Bio-Tox Laboratories reported it detected cocaine and/or its metabolites, along with marijuana in the form of cannabinoids and 11-hydroxy-delta-9-thc and 11-carboxy-delta-9-thc in those tissue samples. No alcohol was detected.³

Based upon his findings at the autopsy, Garber classified Parra's death as a homicide.

Legal Analysis

This review was conducted pursuant to the joint protocol between the Imperial County District Attorney's Office and law enforcement agencies calling upon the District Attorney to conduct an independent assessment of the circumstances surrounding the use of deadly force.

In determining whether Deputy Contreras acted reasonably when he shot Adrian Parra, we must apply well-known and well-settled principles of law that have been developed over a long period of time by both state and federal courts, along with any applicable legislative provisions.

The word "homicide" comes from two Latin words: "*homo*," meaning, "a man" and "*caedere*," meaning, "to kill." Thus, "homicide" literally means "to kill a man." ⁴ Any killing of a human being at the hands of another would therefore be considered a homicide. "Murder" (which is itself divided into first degree and second degree), on the other hand, is a *type* of homicide; other types of homicide include voluntary, involuntary and vehicular manslaughter. What frequently differentiates homicidal types from each other is the intent of the perpetrator: murder is generally an intentional act where the perpetrator desires to unlawfully bring about the death of another human being; manslaughter, on the other hand, usually involves an act where the death of another human being is foreseeable but is not necessarily desired by the perpetrator. For example, a driver who intentionally runs a red light and collides with another car, thereby killing one or more of the occupants therein, is likely guilty of only vehicular manslaughter, not murder, because the wayward driver in all likelihood did not desire to bring about the death of anyone; but his

³ While no reference range is given by Bio-Tox in its report, the amounts detected appear to be quite small. If so, this would be consistent with a discussion between Contreras and Bachant at the time of the initial traffic stop: Bachant had asked his dispatcher to request the California Highway Patrol (CHP) respond to the scene to determine if Parra was driving under the influence of alcohol or drugs; the request was retracted minutes later as the deputies realized it would take CHP officers approximately 50 minutes to respond from their office in Imperial, California. Moreover, Contreras opined that it did not appear to him that Parra was under the influence of alcohol or drugs and his intent was only to cite him for the possession of marijuana; that, of course, was before he found the firearm in Parra's trunk.

⁴ Webster's New Dictionary and Thesaurus (Wiley Publishing Co. 2002), at p. 304, col. 2.

deliberately running a red light is an inherently dangerous act in which death of another is a foreseeable result; thus, the death here can be properly classified as a homicide since it came at the hands of another, but not necessarily as a murder, as there was no intent on the part of the perpetrator to bring about that death. Even in cases where a person acts in self-defense or in defense of another (known as justifiable homicide), is still a homicide since death came at the hands of another, but because the act was justified in the eyes of the law it is not a murder. Thus, every death of a human being at the hands of another is a homicide; but not every homicide is a murder.

A peace officer is authorized, without a warrant, to arrest anyone who commits an infraction or misdemeanor in his presence or anyone he has probable cause to believe may have committed a felony offense, and in so doing, he or she is privileged to use whatever reasonable force is necessary to effectuate the arrest. (Pen.Code, §§ 834, 835a, 836; *People v. Curtis* (1969) 70 Cal.2d 347; *People v. Burres* (1980) 101 Cal.App.3d 341, 355, *overruled on other grounds*, *People v. Colantuono* (1994) 7 Cal.4th 206, 220 n.11.) An officer has probable cause to make an arrest whenever the facts known to the arresting officer would cause an officer of ordinary care and prudence to entertain an honest and strong suspicion that the person to be arrested has committed a crime. (*Beck v. Ohio* (1964) 379 U.S. 89, 91; *People v. Kraft* (2000) 23 Cal.4th 978, 1037.) In making the determination of probable cause, courts ignore the officer's subjective intentions: probable cause is measured by an objective standard, and so long as, when viewed objectively, the facts then-known to the officer meet that standard, his actions will be deemed reasonable under the Fourth Amendment. (*Scott v. United States* (1978) 436 U.S. 128, 138; *People v. Uribe* (1993) 12 Cal.App.4th 1432, 1436.) There is no exact formula for determining probable cause; it is a practical, nontechnical concept that is determined upon the facts and circumstances of each case. (*People v. Guarjardo* (1994) 23 Cal.App.4th 1738, 1742; *Maryland v. Pringle* (2003) 540 U.S. 366, 370-371.) It requires only the probability of criminal activity, not a prima facie showing. (*Illinois v. Gates* (1983) 462 U.S. 213, 235; *People v. Lewis* (1980) 109 Cal.App.3d 599, 608). Some of the factors courts have historically looked to in order to determine if probable cause exists are: (1) the officer's experience; (2) the officer's prior contacts—if any—with the suspect; (3) the officer's awareness of the locale as a high crime area; (4) the suspect's own conduct; and (5) some indication by the suspect of consciousness of guilt. (*People v. Guajardo*, *supra*, 23 Cal.App.4th at p. 1742.)

A straight application of these principles demonstrates that Contreras had probable cause to stop and arrest Parra. It began with Contreras's decision to stop Parra for the two traffic violations he observed—the tinted windows and the failure to operate his vehicle within the lane of traffic. These violations, alone, were ample reason to stop, and even possibly, arrest Parra. (*Atwater v. City of Lago Vista* (2001) 532 U.S. 318, 323; *People v. McKay* (2002) 27 Cal.4th 601, 605). Upon approaching the vehicle, Contreras smelled the strong odor of marijuana, putting him on notice that drugs were possibly inside the vehicle or on the person of the driver, and this possibility needed to be investigated. At the outset, Parra was very cooperative: he

not only admitted that marijuana was inside the vehicle, he promptly turned it over to the officer along with the pipe he used to smoke it. Of course, additional drugs or weapons could still have been present, but even this seemingly small amount recovered provided sufficient probable cause to arrest Parra. (§ 836(a); *Atwater v. City of Lago Vista*, *supra*, 532 U.S. at 323). It also provided justification for a further search of Parra's vehicle, including the trunk area. (*United States v. Ross* (1982) 456 U.S. 798, 825; *People v. Chavers* (1983) 33 Cal.3d 462, 468-469). Upon finding the weapon inside the trunk, Contreras had probable cause to arrest Parra for a felony violation of carrying a concealed firearm inside a vehicle (§ 25400(a)(1)).

Upon finding the firearm, Contreras signaled Bachant—by folding his arms into the shape of an “X”—to handcuff Parra. In turn, Bachant attempted to grab Parra's wrist. Parra, having also seen the signal, twisted away from Bachant and took off running southbound along Highway 86. Both officers ran after him, which they had a lawful right to do. (§ 835a).⁵ During the chase, the officers became concerned that Parra, who was running along the shoulder of Highway 86, might himself be hit by a passing motorist or that he might cause an accident as motorists maneuvered to avoid hitting him. Both officers discharged their tasers at Parra, but neither was effective in bringing the chase to an end. In this case, since neither officer was sure they even hit Parra, the tasers were really a non-factor in this event; they certainly did not amount to the use of lethal force.

Contreras's use of deadly force in this instance was not for the purpose of preventing Parra's escape: it was for the purpose of preserving his own life and that of his partner, Deputy Bachant. As Contreras approached Parra's vehicle, the latter had disappeared behind the still-raised trunk lid, but the officer testified that he could look through the open space between the raised lid and the body of the car and see where Parra was and just what he was doing. And what Contreras saw was Parra holding the weapon in his hands and that he appeared to be trying to chamber a round. This testimony is corroborated by the testimonies of Francisco Duron (Parra appeared to be retrieving a blue back pack from the trunk), Minor No. 2 (saw Parra go to the trunk area of his car), Kevin Bachant (recollection that gun was lying in the trunk after the shooting), and also by the video from Bachant's dash board camera. Indeed, if we add to all this the observations made by Francisco Duron and Minor No. 2, that it appeared to them that Parra was raising his arms as if to surrender and then lowered them again as he turned to go to the trunk area of his vehicle, it can be surmised from these actions that Parra had decided that he was going to fight his way out of this situation rather than allow himself to be

⁵ Section 835a states: “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, *to prevent escape or to overcome resistance*. [¶] A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or *to prevent escape or to overcome resistance*.” (West 2014)(emphasis added).

arrested. And the only logical way that was going to happen is if he either seriously wounded or killed both officers.

It is well settled that an officer is privileged to use lethal force when a suspect places the officer's life, or the life of another, in deadly peril. (*People v. Newsome* (1921) 51 Cal.App. 42, 49). The fear that his life is in imminent peril however must be real and reasonably apparent to the officer at the time he or she acts. (*Ibid*; see also Pen.Code § 198).⁶ Here, Contreras told investigators that he saw Parra manipulating the weapon as if he were chambering a round and that the suspect then pointed the weapon directly at him. If placed in such a circumstance, any reasonable officer would no doubt conclude that the necessity of using deadly force in defense of his own life had, at that point, become both real and apparent. There was certainly no justification for Parra to use deadly force on the officer, for it was his duty to submit to Contreras's arrest, as the deputy had not previously used, or threatened to use, lethal or excessive force on him. (§ 834a).

Conclusion

During this incident, Imperial County Sheriff Deputies Contreras and Bachant attempted to arrest Mr. Adrian Parra. Both deputies were aware of the weapon located in the trunk of Parra's car. When Bachant attempted to arrest Parra, Parra turned and ran away. After running along the dirt shoulder, Parra circled back to his own vehicle where he grabbed the weapon and pointed it directly at Deputy Contreras. Contreras saw Parra pointing the weapon at him and fired at Parra. Parra was struck several times and died at the scene.

Based on these circumstances, it is apparent that Deputy Contreras fired in self-defense and/or the defense of others. He therefore bears no criminal liability for his actions.

A copy of this letter, along with the materials submitted for our review will be retained in our files.

Very truly yours,

Gilbert G. Otero
District Attorney

⁶Section 198 states: "A bare fear of the commission of any of the offenses mentioned in subdivisions 2 and 3 of section 197 [dealing with justifiable homicide] to prevent which homicide may be lawfully committed, is not sufficient to justify it. But the circumstances must be sufficient to excite the fears of a reasonable person, and the party killing must have acted under such fears alone." (West 2014).