



FOR IMMEDIATE RELEASE

PCAO Issues Statement on Charging Decision in March 4 Fatal Shooting

TUCSON, ARIZONA – July 28, 2021 – After extensive and careful review of available evidence, the Pima County Attorney's Office (PCAO) has declined to charge David Rivera, 32, in the March 4 fatal shooting of Rudolph "Rudy" Vega, 27, in Tucson.

In May, a PCAO senior prosecutor was first to conclude that this Office should decline to prosecute Rivera, who claims that he acted in self-defense. Senior leadership reviewed those findings. The administration took the additional step of presenting this case to the PCAO Homicide Panel for input on the decision. Finally, PCAO's Appeals Unit Chief reviewed the incident's evidentiary issues.

Ultimately, PCAO's ability to charge or not charge Rivera in this case was determined by the authors of Arizona's self-defense laws (specifically, [A.R.S. 13-405](#)), which places the burden on prosecutors to prove that the accused person was not acting in self-defense.

The statute provides that a person is justified in using deadly physical force "[w]hen and to the degree a reasonable person would believe that deadly physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly physical force."

Prosecutors must prove every element of an offense beyond a reasonable doubt. Under these circumstances, PCAO must prove an added element in these types of cases – that the defendant did not act in self-defense. Under Arizona law, PCAO is legally and ethically bound not to seek criminal charges where a defendant claims self-defense and the facts appear to support such a claim.

Included in the evidence reviewed by this Office was the audio of a 911 call placed by Rivera on March 4, stating that he was under fire and, in response, returning fire. Rivera stayed at the scene of the incident after it occurred and gave a full statement to law enforcement. Every lead prosecutor who reviewed the evidence reached the same decision that Rivera cannot be charged in the fatal shooting of Rudy Vega.

"After twice meeting with Rudy's family, we are heartbroken over their loss. We are so sorry for their pain," Pima County Attorney Laura Conover said. "Until or unless the Arizona Legislature revisits its gun laws and self-defense statutes, PCAO can only operate under the legal framework as it exists."

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