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OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

**DWAIN D. WOODLEY**  
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March 29, 2024

Chief David Nisleit  
San Diego Police Department  
1401 Broadway  
San Diego, CA 92101

Sheriff Kelly Martinez  
San Diego Sheriff's Department  
9621 Ridgehaven Court  
San Diego, CA 92123

**Re: Fatal shooting of Mr. Christopher De Arman by San Diego Police Officer Christopher Aguilar ID #1289 and San Diego Police Officer Jacob Meyers ID #1576, on January 20, 2023; San Diego Sheriff's Department Case No. 23-102932; DA Special Operations Case 23-013PS; Deputy District Attorney assigned: Carlos Campbell.**

Dear Chief Nisleit and Sheriff Martinez,

We have reviewed the reports and materials compiled by the San Diego Sheriff's Department's Homicide Unit concerning the fatal shooting of Mr. Christopher De Arman by San Diego Police Officers Christopher Aguilar and Jacob Meyers. A District Attorney Investigator responded to the scene and was briefed by officers and detectives from the San Diego Sheriff's Homicide Unit. This case was submitted to the District Attorney's Office for review on April 12, 2023. The Medical Examiner's Report was received in June 2023.

***Summary***

On January 20, 2023, at approximately 11:30 p.m., San Diego Police Department Officers Christopher Aguilar and Jacob Meyers were on patrol near 17<sup>th</sup> Street and Imperial Avenue in the East Village area of San Diego. Meyers was the driver and Aguilar was the passenger in a single marked patrol vehicle.

Meyers and Aguilar saw a red pickup truck slow and stop in an area known for illegal drug use. A male exited the vehicle and walked out of their view. Meyers parked his patrol vehicle on 17<sup>th</sup> Street behind the red truck to see if the male would return. Approximately five minutes later, the male returned to the truck and drove southbound on 17<sup>th</sup> Street. Meyers and Aguilar followed the truck as it made a left turn onto Logan Avenue. Meyers noticed that the truck had a center brake light out and he conducted a traffic stop for the equipment violation. The truck pulled over and stopped in the 1800 block of Logan Avenue.

Meyers approached the truck on the driver side and Aguilar approached on the passenger side. A patrol sergeant arrived moments later and positioned himself behind Aguilar. Aguilar contacted

the driver, Christopher De Arman, from the open passenger window and told him that he was being stopped for an inoperable center brake light. De Arman appeared agitated and called his sister on speakerphone so she could listen to the interaction. Meyers ran a record check on De Arman and learned that De Arman was previously arrested as a felon in possession of a firearm. Meyers asked De Arman to exit the car so they could conduct a safety search. De Arman refused. Aguilar approached the driver side door, unlocked it, and opened it. De Arman started the truck and Aguilar told De Arman to step out of the truck.

The patrol sergeant took out his OC (oleoresin capsicum) spray and pointed it at De Arman. De Arman placed the gear selector in drive and the patrol sergeant immediately deployed his OC spray at De Arman's face. De Arman accelerated away from the three officers. Meyers and Aguilar got into their patrol vehicle and followed De Arman's vehicle southeast on Logan Avenue. The patrol sergeant followed behind in his vehicle. The officers utilized their police vehicle's red and blue emergency lights and audible siren. The truck was not traveling at a high rate of speed.

De Arman stopped his vehicle in the 2000 block of Logan Avenue. Meyers and Aguilar immediately exited their patrol vehicle and drew their service weapons. Aguilar yelled at De Arman to show his hands. De Arman exited his truck, turned towards the officers, and pointed a handgun in their direction. Both Meyers and Aguilar fired their handguns at De Arman. De Arman also fired his handgun toward the officers, striking the patrol vehicle. De Arman attempted to run but was struck by the gunfire and fell in the westbound lanes of 2000 Logan Avenue. De Arman dropped the handgun in the middle of the traffic lanes.

While on the ground, De Arman was yelling and had his hands under his body so the officers did not approach. Canine officers responded and a canine was used to pull De Arman away from the handgun. While the canine maintained a hold on De Arman's leg, several patrol officers approached and placed De Arman in handcuffs. Once De Arman was handcuffed, he was assessed for gunshot wounds and placed in a recovery position. Officers provided De Arman medical aid until paramedics arrived. De Arman was transported to UCSD hospital where he was treated but he ultimately succumbed to his injuries.

Dr. Stabley of the Medical Examiner's Office conducted the autopsy and determined the cause of death as multiple gunshot wounds and the manner of death as homicide. Toxicology testing of De Arman's blood revealed the presence of benzoylecgonine (cocaine metabolite), cocaine, methadone, 11-hydroxy delta-9 THC, delta-9 carboxy THC, delta-9 THC, fentanyl, norfentanyl (fentanyl metabolite), and 4-ANPP (fentanyl metabolite).

### ***Persons Involved***

De Arman was a 37-year-old resident of San Diego, CA. Aguilar and Meyers had been police officers with the San Diego Police Department for 2 years 3 months and 2 years, respectively.

### ***Civilian Witness One (CW1)***

CW1 is De Arman's sister. De Arman lived with her and their parents. On Friday, January 20, 2023, before 11:00 p.m., De Arman left their residence to buy foot powder. Later, De Arman called and told her to stay on the phone for his safety because he was stopped by police. As soon

as she got on the phone with De Arman, her phone died. She tried to call him back from another phone and he wasn't answering. She could see the phone's location and saw it wasn't moving.

CW1 confirmed De Arman was not known to carry firearms and that he was not permitted to. CW1 confirmed De Arman had a past history of drug and alcohol use, but she did not believe he was using currently. De Arman was not currently active in gangs. De Arman stayed home a lot. De Arman did not display any anti-law enforcement sentiments.

About a month earlier, CW1 found a suicide note in De Arman's room that read, "Sorry for all the pain, but at least you won't be in pain any longer." CW1 spoke with De Arman about it, but he remained quiet.

He seemed fine when he left the house. The truck De Arman was driving belonged to her father.

***Civilian Witness Two (CW2)***

CW2 was working as a property manager at a building in the 1800 block of Logan Avenue. CW2 observed a red truck being stopped by the police across the street next to Las Cuatro Milpas. Shortly after, CW2 noticed a second police unit arrive on scene. CW2 said he could hear the officers speaking with the driver, but he could not understand what was being said. After about five minutes, CW2 saw the red truck driving south, toward Chicano Park. CW2 went inside the building and did not see or hear anything further.

***Civilian Witness Three (CW3)***

CW3 was standing near his tent in the 2000 block of Logan Avenue when he saw a red truck being followed by two patrol vehicles. CW3 said that the rate of speed was slow, about 20-30 mph. CW3 lost sight of the pursuit and went about tending to his items near his tent. Shortly after, he heard about eight to nine gunshots.

***Statement of Law Enforcement Officer One (LE1)***

LE1 is a San Diego Police Department patrol sergeant. On January 20, 2023, while on duty, LE1 responded to the area of 1800 Logan Avenue to cover Meyers and Aguilar who had just conducted a traffic stop on a red Dodge Ram pickup truck for an equipment violation. LE1 exited his vehicle and stood on the sidewalk behind Aguilar who was at the passenger side of the red Dodge Ram talking to De Arman through the window. Meyers contacted De Arman on the truck's driver side.

De Arman appeared uncooperative while Meyers and Aguilar spoke with him. LE1 heard either Aguilar or Meyers tell De Arman that given "his history of weapons" they were going to conduct a weapons pat-down of the vehicle. Meyers and Aguilar asked De Arman to step out of the truck and he refused. One of the officers reached inside the truck and unlocked and opened the driver's door. De Arman turned the car on and LE1 pulled out his OC (oleoresin capsicum) spray and pointed it at De Arman. When De Arman lowered the gearshift into drive, LE1 sprayed him in the face with the OC spray as the truck drove away. LE1 believed De Arman struck Aguilar as he took off from them. LE1 saw Aguilar get up and both Aguilar and Meyers ran back to their patrol vehicle and started pursuing the red truck. LE1 joined the pursuit.

Meyers and Aguilar pulled behind the red truck and LE1 could not see the driver's door to the truck. LE1 heard gunfire prior to coming to a complete stop. LE1 said he looked up and could see De Arman run north from the truck toward the westbound lanes of the roadway. LE1 could see muzzle flash coming from the driver side of the patrol vehicle and De Arman slowing down then eventually collapsing. LE1 loosely estimated he heard six to eight shots.

LE1 articulated that during the traffic stop he saw that Meyers and Aguilar had already opened the driver's door to the truck and were moving closer to De Arman. LE1 said he was concerned that De Arman was going to "take off and drag one of the officers with him." LE1 said he used his OC spray because the driver was displaying active resistance and he believed the driver would not be able to drive far or fast if he hindered the driver's ability to see.

***Statement of Law Enforcement Two (LE2)***

LE2 and two other canine units were in Balboa Park conducting canine training. During the training, LE2 heard police sirens in the distance and then heard an officer on the radio say the suspect was down, the gun was near him, and he was not complying with commands.

LE2 arrived on scene at approximately 11:45 p.m., LE2 could see De Arman down on the street near the 2000 block of Logan Avenue, with his back and feet toward the officers. LE2 could not see De Arman's hands and there was a gun about five to eight feet away from his head. De Arman was moving his upper body and he was twitching.

LE2 gave canine warnings to De Arman, told him to crawl away from the gun, and said they wanted to help him. De Arman did not comply with his warnings to move away from the gun. LE2 deployed his canine partner, utilizing a 60-foot leash. The canine bit De Arman in the upper left back of his thigh and pulled him backwards approximately ten yards away from the firearm. After the bite, LE2 saw no reaction from De Arman leading him to believe it was safe to approach. Once De Arman was detained, LE2 secured his canine.

***Statement of Officer Jacob Meyers***

Meyers and Aguilar were riding together as a two-officer unit patrolling the area of 16<sup>th</sup> Street and Logan Avenue. Meyers was driving. Meyers observed a red truck that seemed to be out of place in a known narcotics trafficking area. Meyers parked his vehicle in the direction of the truck to maintain observation and waited to see if the vehicle would leave.

At about 11:30 p.m., the red truck started to leave and Meyers noticed the third brake light on the truck was not operating, so he initiated a traffic stop. The truck stopped in front of a restaurant called Las Cuatro Milpas on Logan Avenue. Meyers approached the vehicle and detected the odor of marijuana. De Arman told Aguilar that he had marijuana in the vehicle. Meyers went back to his patrol vehicle to run De Arman while Aguilar continued to speak with him. Meyers ran a record check and learned De Arman had a prior arrest as a felon in possession of a firearm.

Meyers returned to the truck and told Aguilar that De Arman had prior arrests. Meyers and Aguilar told De Arman that they would be conducting a "vehicle pat down" due to his prior offenses. De Arman refused to exit his truck and became agitated and argumentative.

Aguilar reached into the open driver side window of the truck and unlocked the door. Aguilar opened the truck's driver side door. De Arman started his truck and refused to comply with their commands. Meyers noticed a phone in De Arman's hand, but he was unsure if he was using it.

De Arman drove away with the driver side door open. Meyers and Aguilar returned to their patrol vehicle and started to pursue De Arman down Logan Avenue. Meyers thought De Arman was generating a plan because if De Arman wanted to get away, he would have just driven off instead of driving away slowly. Meyers believed that De Arman had something that he did not want them to find, likely a firearm.

De Arman began to slow down near the 2000 block of Logan Avenue, and suddenly came to a complete stop in the middle of the street and exited the vehicle. Meyers believed De Arman was going to start running. Meyers pulled up and stopped behind the red truck. Aguilar quickly exited. Meyers heard Aguilar yelling at De Arman to get on the ground. Meyers began drawing his firearm as he stepped out of his vehicle. Meyers looked toward De Arman and saw him pointing at him what appeared to be a handgun. He heard a loud pop and saw a "puff of smoke" coming from the handgun. Meyers was kneeling to his left side behind his door and returned fire in the direction of De Arman.

De Arman began running eastbound into the street away from his truck as Meyers was firing his weapon at him. Meyers stopped shooting once De Arman fell to the ground. Meyers believed he fired five to six rounds. De Arman was then facing away from him with his arms in the air. Meyers did not initially see where De Arman's firearm went. As other units began to arrive, Meyers repositioned himself and could then see the firearm in the middle of the street. The firearm was approximately five to six feet from where De Arman was positioned.

Meyers and Aguilar continued to give commands to De Arman to keep his hands up and to roll onto his stomach. After additional units arrived, Meyers was then relieved by another officer and removed from the scene.

### ***Statement of Officer Aguilar***

Aguilar and Meyers were riding together as a two-officer unit patrolling the area of 16<sup>th</sup> Street and Logan Avenue. Aguilar and Meyers observed a red Dodge Ram pull up and park on 17<sup>th</sup> Street, a high narcotics area. Aguilar and Meyers observed the truck for five minutes or less. Aguilar observed the male occupant exit the vehicle and walk out of their sight. Aguilar was observing the male's actions for possible drug transactions due to his experiences of the area being a high narcotic trafficking neighborhood.

The male returned to the truck and drove away from the area. Aguilar and Meyers initiated a traffic stop of the vehicle for the equipment violation. The truck yielded on Logan Avenue. Meyers approached on the driver side of the truck and Aguilar approached on the passenger side of the truck. Aguilar smelled the odor of marijuana emanating from the truck and asked the driver, De Arman, if there was any marijuana in the truck. De Arman moved a blanket that was on the passenger seat and revealed a jar containing marijuana.

Aguilar told De Arman that he was going to pull him out of his vehicle to conduct a vehicle search to ensure he was not transporting marijuana illegally. De Arman pulled out his cellphone

and Facetimed his sister. De Arman told his sister to stay on the phone in case “they try to do anything stupid.” Aguilar was concerned about the call because he thought De Arman might be setting him and Meyers up for an ambush.

While Aguilar was talking to De Arman, Meyers went back to the patrol vehicle to conduct a records check. Meyers advised Aguilar that De Arman had prior arrests for being a felon in possession of a firearm. With that information, Aguilar told De Arman that they were going to remove him from the vehicle and search it. De Arman became argumentative and told the officers that they could not search his vehicle. De Arman refused to get out of his vehicle. Aguilar opened the driver’s door and ordered De Arman out of the vehicle. De Arman refused again, started up the truck, and began driving forward with his driver’s door still open.

Aguilar and Meyers ran back to their patrol vehicle and pursued De Arman who was driving approximately 20 miles per hour. Aguilar told Meyers to be careful because he believed De Arman was planning something. Aguilar believed De Arman was buying time to plan something. Aguilar believed the driver had a firearm on him due to his prior arrests and his evasive behavior.

De Arman continued driving until the 2000 block of Logan Avenue where he came to an immediate stop. De Arman immediately exited his truck as his door flew open. Aguilar and Meyers exited their police vehicle to conduct a high-risk vehicle stop. De Arman immediately turned his body to the left and presented a black semi-automatic firearm as he exited the vehicle and pointed it at him and Meyers.

De Arman was pointing the firearm using his right hand. De Arman was instructed to show his hands. Aguilar believed that De Arman fired one shot at them before he returned fire. Aguilar fired back at the driver to protect his life and the life of his partner. De Arman was shooting at them as he continued moving across the street. Aguilar continued shooting back at De Arman. Aguilar believed he fired nine to ten rounds at De Arman and believed that De Arman fired one to three rounds toward him and Meyers. Aguilar stopped shooting when he believed that De Arman was no longer a threat and had stopped pointing the gun at them. Aguilar was able to see the gun in the street about two to three feet away from De Arman.

Aguilar was concerned that De Arman might grab the firearm he had dropped or might have had another one on him. Aguilar was removed from the scene once cover units arrived.

***Investigation:***

The scene was secured, photographed, and investigated by the San Diego Sheriff’s Department’s Homicide Unit. All detectives’ reports, crime scene investigators’ reports, and audio-recorded witness interviews, body worn camera, and audio recordings were reviewed. The events leading up to and the incident itself were captured on body worn camera. All items were found to provide evidence corroborating the officers’ statements.

Aguilar was armed with his department-issued Glock 17 Gen 4 handgun loaded with department-issued 9mm caliber ammunition. It held one round in the chamber and a full 17 rounds in the magazine. Aguilar carried two additional fully loaded magazines containing 17 rounds each in a magazine holder on his duty belt. After the shooting incident, a San Diego Sheriff’s Field Evidence Technician collected Aguilar’s firearm and magazines for processing. There was one

live round in the chamber of Aguilar's handgun, and two live rounds in the inserted magazine. Both of Aguilar's spare magazines remained fully loaded with 17 rounds each. Based on the number of unexpended rounds that Aguilar possessed after the shooting incident, it was determined that he fired 15 rounds.

A Sheriff's Criminalist conducted a test fire of Aguilar's firearm for operability and determined it to be operable. His firearm magazines were also determined to be the correct magazines for the firearm.

Meyers was armed with his department-issued Glock 17 Gen 5 handgun with 9mm caliber ammunition. It was loaded with 19 rounds, some of which was department-issued and some of which was personal ammunition. Meyers carried two additional fully loaded extended magazines containing 23 rounds each in a magazine holder on his duty belt. After the shooting incident, a San Diego Sheriff's Field Evidence Technician collected Meyers' firearm and magazines for processing. There was one live round of ammunition in the chamber of Meyers' handgun. Meyers dropped a magazine and reloaded his handgun at the scene. The dropped magazine contained four remaining rounds. The magazine inserted in Meyer's handgun contained 23 rounds, some of which was department-issued and some of which was personal ammunition. The remaining magazine on Meyers duty belt contained 23 rounds of unexpended ammunition.

Based on the number of unexpended rounds that Meyers possessed after the shooting incident, it was determined that he fired 13 rounds.

A Sheriff's Criminalist conducted a test fire of Meyers' firearm for operability and determined it to be operable. The magazines were determined to be the proper magazines for the firearm.

Nine expended FC 9mm Luger cartridge casings were located on the pavement just northeast of Meyers and Aguilar's patrol vehicle. This is the location Meyers was firing from.

Eleven expended FC 9mm Luger cartridge casings were located on the pavement southeast of the patrol car. Seventeen expended FC 9mm Luger cartridge casings were located on the pavement to the southwest of the patrol vehicle. This is the location Aguilar was firing from.

De Arman was armed with a black and silver Smith and Wesson model SD9VE 9mm semi-automatic pistol, serial number FWY7763, with a seated magazine. The firearm contained seven rounds of live 9mm ammunition when it was recovered on the pavement northeast of his vehicle. Three live rounds containing the headstamp FC 9mm Luger, one round containing the headstamp WIN 9mm Luger, one round containing the headstamp R-P 9mm Luger, one round containing the headstamp SB 19 9X19, and one round containing the headstamp WCC 97 were located in the firearm. A Sheriff's Criminalist conducted a test fire of De Arman's firearm for operability and determined it to be operable.

One expended cartridge case containing the headstamp WIN 9mm Luger was located on the pavement northeast of De Arman's vehicle. A second expended cartridge case containing the headstamp A USA 9mm Luger was located on the pavement northeast of De Arman's vehicle.

A fired bullet and metal fragments were located on the pavement northeast of Meyers and Aguilar's patrol vehicle. There was damage to the driver side hood and windshield of the patrol vehicle directly where Meyers was standing when De Arman exited his truck and fired at the officers. The damage is consistent with a bullet striking the vehicle's hood and then ricocheting off the hood and striking the windshield.

A firearm trace was conducted by the San Diego Sheriff's investigators on the gun De Arman was carrying. The trace revealed that the gun was last purchased on October 24, 2015 by a male out of St. Johns, Arizona. An attempt to locate the male by investigators revealed that the male was deceased and no further information on the firearm could be located.

### ***Body Worn Camera Evidence***

Aguilar's body worn camera was activated during his contact with De Arman and captured the events from his position. Aguilar approached the passenger side of De Arman's vehicle and spoke to De Arman through the open passenger side window. Aguilar advised De Arman he was going to remove him from his vehicle to make sure he was not illegally transporting marijuana. De Arman used his cell phone to call his sister. He told her he had just been pulled over by the police and wanted her to stay on the line for his safety. Meyers told Aguilar that De Arman has prior arrests for felon in possession of a firearm. Meyers told De Arman he has priors for felon in possession of a firearm and told him that they were going to have him step out of the vehicle. Aguilar walked from the passenger side of De Arman's vehicle to the driver side and stood next to Meyers. Aguilar told De Arman he was going to get pulled out of the car regardless. De Arman told Aguilar he had no right to pull him from his car. De Arman told Aguilar to call his supervisor. Aguilar pointed to the passenger window of De Arman's vehicle where LE1 was standing. De Arman asked LE1 what was going on and LE1 told him to get out of the car. Aguilar unlocked and opened the driver side door to De Arman's vehicle. De Arman said, "What the fuck are you doing?" and then started his vehicle. Both Aguilar and Meyers told De Arman to step out of the car. All three officers told De Arman to shut the car off. De Arman accelerated away from them. Aguilar and Meyers ran back to their patrol vehicle and pursued De Arman. Aguilar warned Meyers that De Arman may be armed. De Arman stopped his vehicle. Aguilar got out of his patrol vehicle. De Arman's driver side door was already open. In the footage, De Arman is seen getting out of his vehicle. Aguilar pointed his firearm at De Arman and ordered him to show his hands. De Arman moved away from the truck and Aguilar again ordered him to show his hands. Aguilar fired several shots toward De Arman. Meyers continued to give commands while Aguilar had his gun pointed at De Arman. Aguilar maintained his position until cover officers arrived.

Meyers also had his body worn camera activated and the same events were captured from his position. Meyers approached De Arman's vehicle on the driver side after initiating a traffic stop on the vehicle. Meyers stopped at the open window of De Arman's door while Aguilar was asking De Arman questions. Meyers asked De Arman for his driver's license. Meyers went back to his patrol vehicle and conducted a record check on De Arman. Meyers then told Aguilar that De Arman had prior arrests for possessing a firearm. Meyers went back to the driver side door and explained to De Arman the purpose for getting him out of the vehicle. De Arman drove away from Aguilar and Meyers. Aguilar and Meyers returned to their patrol vehicle and pursued De Arman. De Arman stopped his truck. Meyers exited his vehicle. Aguilar was already out of the patrol vehicle ordering De Arman, "Show me your hands." De Arman got out of his vehicle and



moved away from his truck while holding what appears to be a gun in his right hand. Multiple shots are heard, and De Arman is seen falling to the ground and dropping the gun he was holding. De Arman was on the ground and Meyers told him, "Don't move! Show me your hands!" Meyers backed up behind his patrol vehicle and dropped a magazine from his handgun and inserted another one into the magazine well. Meyers pointed his handgun towards De Arman and yelled, "Hands!" Subject is heard yelling, "Fuck you!" Meyers kept his gun pointed at De Arman and shouted commands until cover arrived.

LE1's body worn camera was activated at the time of the incident and captured the events from his position. LE1 stood behind Aguilar as a cover unit as Aguilar spoke to De Arman from the passenger side of De Arman's vehicle. LE1 stepped toward the passenger door of De Arman's vehicle as Aguilar moved from the passenger door to the driver's door of De Arman's vehicle. De Arman asked Aguilar to get his supervisor. LE1 told De Arman he was right there. LE1 then told De Arman to exit the truck. LE1 told De Arman that the officers were going to do a "weapons pat down" because of De Arman's history. De Arman started his truck. LE1 pulled out his OC spray and pointed it toward De Arman. LE1 told De Arman to shut the truck off. De Arman began to drive away and LE1 sprayed De Arman with his OC spray as he drove away. LE1 aired over the police radio, "Hot stop in progress." At BWC timestamp 23:37:09, shots are heard in the background and LE1 airs over the police radio that shots were fired, and the officers were okay, and the suspect was down. LE1 took cover behind Meyers and Aguilar's patrol vehicle. LE1 advised Meyers to take cover on the other side of the car. De Arman is seen lying in the street in front and to the left of Aguilar and Meyers's patrol vehicle. LE1 ordered De Arman to show his hands and roll over toward the middle of the street away from the gun. De Arman is seen moving side to side while yelling. LE1 kept his gun pointed at De Arman until cover officers arrived.

LE2's body worn camera footage was also reviewed. LE2 was at the rear of Meyers and Aguilar's patrol vehicle with his canine partner. LE2 gave De Arman multiple commands to roll away from the gun and to show his hands or he would send in the police dog. LE2 sent his canine partner toward De Arman while still holding the leash. As the canine advanced toward De Arman, LE2 yelled for De Arman to put his hands up. The canine bit De Arman's leg as other officers approached and placed De Arman in handcuffs. LE2 removed his canine from the bite and placed the canine back into his patrol vehicle.

#### ***Area Business Surveillance Video***

Security surveillance cameras located inside of a business located on the 2000 block of Logan Avenue captured a portion of the events. The footage shows De Arman's truck stop on the opposite side of the street. Meyers and Aguilar's police vehicle stopped behind De Arman's truck. The police vehicle's red and blue police emergency lights were illuminated and the audible siren was activated. De Arman exited his truck immediately after stopping and turned toward the rear of his truck. De Arman raised and pointed a handgun at the patrol car. Audible gunfire is heard and De Arman falls to the ground. At the same time, the storefront window of the business with the surveillance cameras shattered.

#### ***Autopsy***

On Sunday, January 22, 2023, an autopsy was performed on De Arman by San Diego County Deputy Medical Examiner Doctor Robert Stabley with Forensic Autopsy Specialist Shannan

Nelson assisting. Dr. Stabley identified nine defects that appeared to be gunshot wounds and two additional defects that appeared to be grazing wounds. There were three potential gunshot defects in the right leg, five potential gunshot defects in the left leg, one potential gunshot defect in the right buttocks, one potential grazing defect in the right forearm, and one potential grazing defect in the left arm.

Dr. Stabley recovered three projectiles. One projectile was removed from De Arman's left femur, one from his right thigh, and a third from the chest cavity near the right side of the pelvis. Dr. Stabley determined the cause of death as multiple gunshot wounds and the manner as homicide.

At the time of the autopsy, samples of De Arman's blood were taken for toxicological testing. Toxicological testing revealed the presence of benzoylecgonine (cocaine metabolite), cocaine, methadone, 11-hydroxy delta-9 THC, delta-9 carboxy THC, delta-9 THC, fentanyl, norfentanyl (fentanyl metabolite), and 4-ANPP (fentanyl metabolite).

### ***Legal Standards of Criminal Liability***

Penal Code section 835a(c) sets forth the circumstances in which a peace officer may use deadly force and the standard to evaluate the use of such force. The law provides that "a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person." Penal Code section 835a(c)(1)(A).

The statute defines "deadly force" as any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm." Penal Code section 835a(e)(1).

An imminent threat of death or serious bodily injury is one where "based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed." Penal Code section 835a(e)(2).

The statute defines totality of the circumstances as "all facts known to the peace officer at the time, including the conduct of the officer and the driver leading up to the use of deadly force." Penal Code section 835a(e)(3). The statute further states, "In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques, if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(2). "[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force." Penal Code section 835a(4).

The statute makes clear also states that “a peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts because of resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right of self-defense by the use of objectively reasonable force in compliance with subdivisions (b) and (c) to effect the arrest or prevent escape or overcome resistance. For purposes of this section “retreat” does not mean tactical repositioning or other de-escalation tactics.” Penal Code section 835a(d).


Penal Code section 196 provides that homicide is justified when committed by peace officers and those acting by their command and in their aid and assistance when the homicide results from a peace officer’s use of force that is in compliance with Section 835a.

***Conclusion***

Officers Aguilar and Meyers conducted a lawful traffic stop on De Arman and soon after assessed that there was reason to suspect De Arman possessed a firearm. Meyers and Aguilar had the legal authority to ask De Arman to step out of his vehicle to check the area within De Arman’s reach inside of the vehicle for weapons. De Arman refused to exit the vehicle and instead accelerated away from the officers, leading them on a brief vehicle pursuit. De Arman stopped his vehicle, quickly exited, and started shooting at the officers.

Because of De Arman’s sudden and violent actions, Meyers and Aguilar did not have an opportunity to utilize any less-than-lethal options, nor did they have an opportunity to utilize any de-escalation techniques. De Arman presented an imminent threat of death or serious bodily injury to the officers. A reasonable officer in the same situation as Aguilar and Meyers would believe that De Arman had the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury when he exited his vehicle and began firing a firearm. As a result, Meyers and Aguilar bear no state liability for their actions. A copy of this letter, along with the materials submitted for our review will be retained in our files.

Sincerely,

  
SUMMER STEPHAN  
District Attorney

cc: Captain Richard Freedman, San Diego Police Department  
Captain James Emig, San Diego Sheriff’s Department