



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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May 20, 2015

Captain Rod Kusch
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #14-0428
L.A.S.D. File #014-08224-2824-013

Dear Captain Kusch:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 24, 2014, fatal shooting of Antoine Hunter and non-fatal shooting of Jeremy Evans by Los Angeles County Sheriff's Department (LASD) Deputies Timothy Lee and Gregory Rodriguez. We have concluded that Deputies Lee and Rodriguez acted lawfully in self-defense and defense of others.

The District Attorney's Command Center was notified of the shooting at 11:59 p.m., on June 24, 2014. The District Attorney Response Team, comprised of Deputy District Attorney Kimberly Toney and District Attorney Senior Investigator Richard McIntosh, responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, forensic science firearms analysis reports, photographic evidence and witness statements prepared by LASD and submitted to this office by LASD Sergeant Robert Gray. The voluntary statements of Deputies Lee and Rodriguez were considered in this analysis.

FACTUAL ANALYSIS

On June 24, 2014 at approximately 9:50 p.m., Deputies Timothy Lee and Gregory Rodriguez were stopped at a red light, southbound at the intersection of Long Beach Boulevard and Rosecrans Avenue in the City of Compton when they observed Antoine Hunter drive his vehicle eastbound on Rosecrans Avenue. Jeremy Evans sat in the front passenger seat. Hunter made a sharp U-turn in the intersection nearly striking the curb. Hunter stopped to back up his vehicle to complete the U-turn, and quickly accelerated speeding off westbound on Rosecrans Avenue. Lee and Rodriguez began to follow Hunter and drove westbound onto Rosecrans Avenue. While driving in the number

one lane, Hunter bypassed the left turn lane and made an abrupt left turn into a residential neighborhood onto Sloan Avenue. As Hunter made the left turn, two vehicles traveling eastbound on Rosecrans Avenue in the number one and two lanes slammed on their brakes to avoid a collision with Hunter's vehicle.

After waiting for the traffic to clear, the deputies turned southbound to follow Hunter. Hunter, who drove approximately 30 to 35 miles per hour and was approximately 200 feet ahead of the deputies, drove through a posted stop sign at the intersection of Elm Street at Sloan Avenue. Rodriguez activated the patrol car overhead emergency lights and Lee activated the passenger side spot light. Hunter continued south to the intersection of Sloan Avenue and Palmer Street failing to stop at the posted stop sign and turned eastbound onto Palmer Street. As Hunter drove eastbound on Palmer Street towards Poinsettia Avenue, he drove the vehicle in the westbound lane and made a quick turn in a northbound direction as if he was going to turn north on Poinsettia Avenue. However, Hunter immediately veered the vehicle back and continued traveling eastbound on Palmer Street. Hunter then quickly turned northbound onto Poinsettia and collided with a parked car at the northeast corner of Palmer Street and Poinsettia Avenue.

Rodriguez stopped the patrol car on the driver's side of Hunter's car, so the patrol car's right front fender was nearly even with Hunter's rear bumper. Rodriguez and Lee exited the patrol car. Rodriguez drew his service weapon and ran northeast around the parked car towards the passenger side of Hunter's vehicle. Lee drew his service weapon and stood between the open passenger door and the patrol vehicle. Hunter revved his engine, backed his car into the passenger side of the patrol car and rocked the vehicle back and forth. Rodriguez and Lee repeatedly yelled for Hunter and Evans to stop, to not move and to show their hands.

Hunter continued to drive his car in reverse, turning the front end of his car into the passenger door of the patrol car, causing the door to begin to close.¹ Lee, who remained behind the passenger door of the patrol car, became pinned against the car frame and stood approximately two feet away from Hunter as he sat in the driver's seat. Hunter reached around his waistband, continued to rev the engine and drive in reverse. Rodriguez observed Hunter pull out what appeared to be the butt of a handgun. Lee fired one round at Hunter and Rodriguez fired four to five rounds at Hunter. Lee ran to the rear of Hunter's vehicle. Lee and Rodriguez again commanded Hunter and Evans not to move. While Lee stood behind Hunter's vehicle, Hunter revved the engine. Lee fired two additional rounds through Hunter's rear window, and Rodriguez simultaneously fired additional rounds at Hunter.² Hunter stopped revving his engine and the car was no longer moved.

Lee and Rodriguez detained Hunter and Evans and prevented individuals from approaching the scene until additional deputies arrived.³

¹ The patrol car's passenger side mirror was pushed in and there was paint transfer along the passenger side panel, which matched the paint on Hunter's vehicle.

² A surveillance camera located at [REDACTED] E. Palmer Street was recording at the time of the deputy-involved shooting but did not capture the incident.

³ During the deputy-involved shooting, Evans moved from the front passenger seat to the rear seat of the vehicle.

A .357 magnum revolver, loaded with six live rounds, was found between Hunter's left hip and the driver's seat.⁴

Compton Fire Department Paramedic Shon Halverson arrived, rendered medical aid and pronounced Hunter dead at 10:04 p.m. On June 26, 2014, Deputy Medical Examiner Ajay Panchal performed a postmortem examination of his remains and determined that he suffered multiple gunshot wounds. The wounds were located in his head, left arm, left hand and left leg. Paramedics transported Evans to St. Francis Medical Center where he was treated for gunshot wounds in his right thigh and right shoulder. Evans survived his wounds.

Statement of Deputy Timothy Lee

On June 24, 2014, Lee was the passenger in a marked patrol car driven by his partner, Deputy Gregory Rodriguez. Lee and Rodriguez were stopped at a red light southbound at the intersection of Long Beach Boulevard and Rosecrans Avenue. Lee saw Antoine Hunter drive a vehicle eastbound on Rosecrans Avenue and make a sharp U-turn in the intersection nearly striking the curb. Hunter backed the vehicle up to complete the U-turn, quickly accelerated and sped off westbound on Rosecrans Avenue. Intending to conduct a traffic stop, Lee and Rodriguez drove westbound onto Rosecrans Avenue when Lee saw Hunter make an abrupt left turn into a residential neighborhood onto the first available street.⁵ As Hunter made the left turn, two vehicles traveling in the number one and two lanes eastbound on Rosecrans Avenue abruptly stopped to avoid a collision with Hunter's vehicle.

The deputies turned southbound to follow Hunter after waiting for traffic to clear.⁶ Hunter, who was approximately 200 feet ahead of the deputies, drove through a posted stop sign at the intersection of Elm Street and Lee activated his passenger spot light.⁷ Hunter continued south to the intersection of Sloan Avenue and Palmer Street, failed to stop at the posted stop sign and turned eastbound onto Palmer Street. As Hunter drove eastbound on Palmer Street towards Poinsettia Avenue, he drove the vehicle in the westbound lane and made a quick turn in a northbound direction as if he was going to turn north on Poinsettia Avenue. However, Hunter immediately veered the vehicle back and continued traveling eastbound on Palmer Street. Hunter then quickly turned northbound onto Poinsettia, collided into a parked car at the northeast corner of Palmer Street and Poinsettia Avenue.

Rodriguez stopped the patrol car on the driver's side of Hunter's car, so the patrol car's right front fender was nearly even with Hunter's rear bumper. Lee exited the car, drew his service weapon and stood between the open passenger door and the patrol vehicle. Hunter's window was partially open and Lee told Hunter and Evans to turn off the vehicle and not to move. Hunter began to drive his car in reverse, turning the front end of his car into the passenger door of the patrol car causing it to

⁴ Multiple witnesses observed various portions of the incident. None of the witnesses saw the actions of Hunter or Evans immediately before the shooting.

⁵ Lee could not recall the name of the street.

⁶ Due to the distance between the vehicle and the patrol car, Lee was unable to see Hunter's vehicle license plate to run its status at that time.

⁷ Lee ran Hunter's vehicle license plate number which revealed that it had not been reported as stolen.

partially close.⁸ As Hunter drove in reverse, Lee became pinned between the passenger door of the patrol car and the door frame. Lee stood approximately two feet next to Hunter. While Lee was pressed between the patrol car and door frame, he saw Hunter moving around and reaching around his waistband with both hands. Lee also heard Hunter's car engine rev as if Hunter was still trying to drive in reverse. Lee again told Hunter to turn the car off and to stop moving. Fearing that Hunter was arming himself with a handgun to shoot and kill him, or that he would be crushed and seriously injured, Lee fired one round at Hunter.⁹

Lee managed to free himself from behind the passenger door and ran behind Hunter's vehicle. Rodriguez had come around the passenger side of Hunter's vehicle as Hunter accelerated the vehicle. Lee and Rodriguez continuously commanded Hunter and Evans not to move. As Lee stood behind Hunter's vehicle, he heard Hunter rev the engine. Fearing that he would be struck by the vehicle or that Hunter would shoot him, Lee fired two additional rounds through the rear windshield at Hunter. Simultaneously, Rodriguez fired two additional rounds towards the car.

Lee attempted to notify Sheriff's Communication Center (SCC) via his hand held radio to send assistance but the radio malfunctioned. Lee ran to Rodriguez and used his radio to contact SCC. A crowd formed and approached Hunter's vehicle. Lee prevented members of the crowd from getting too close until additional patrol units arrived. Assisting units took Evans into custody and secured the scene.

Statement of Deputy Gregory Rodriguez

On June 24, 2014, Rodriguez drove himself and his partner, Deputy Timothy Lee in a marked patrol car. Rodriguez and Lee drove southbound on Long Beach Boulevard towards the intersection of Rosecrans Avenue when he observed Hunter driving eastbound on Rosecrans Avenue. Hunter made a three-point turn and sped off westbound on Rosecrans Avenue. Rodriguez began to follow Hunter and drove westbound onto Rosecrans Avenue. Hunter, who drove in the number one lane, made an abrupt turn southbound onto Sloan Avenue, bypassing the left turn lane. As Hunter turned onto Sloan Avenue, Hunter nearly collided with two vehicles traveling eastbound on Rosecrans in the number one and two lanes. The vehicles slammed on their brakes to avoid colliding with Hunter.

Rodriguez waited for the traffic to clear and turned southbound onto Sloan Avenue. Hunter drove through the intersection at Sloan Avenue and Elm Street without stopping for the posted stop sign at about 30 to 35 miles per hour. Believing Hunter may have been driving under the influence of alcohol or drugs, Rodriguez activated his overhead emergency lights to conduct a traffic stop. Failing to stop at another posted stop sign, Hunter turned eastbound at the intersection of Sloan Avenue and Palmer Street, and began driving in the westbound lane of travel. Hunter maneuvered his car as if he was going to turn northbound on Poinsettia Avenue, straightened the vehicle as if to

⁸ Lee believed that as Hunter drove his car in reverse, he turned the car's wheels in such a manner that Hunter's car struck the patrol car.

⁹ Lee's service weapon malfunctioned and he could not recall if he fired the round before or after he cleared his weapon.

continue eastbound on Palmer Street, and then immediately drove the car in a northbound direction on Poinsettia. Unable to fully complete the northbound turn, Hunter collided with a vehicle parked at the east curb of Poinsettia and Palmer Street.

Rodriguez avoided a collision with Hunter's vehicle by swerving the patrol car around to the driver's side of Hunter's car and stopping slightly behind it. Rodriguez exited the patrol car, drew his service weapon and ran in a northeast direction around the parked car that Hunter had struck. As Rodriguez ran to the passenger side of Hunter's vehicle, Hunter backed up his car and collided into the patrol car. Rodriguez immediately began to yell out to Hunter and Evans to put their hands up, place their hands on the dash and not to move. Hunter revved his engine and rocked his vehicle back and forth, while Rodriguez and Lee repeatedly yelled for Hunter and Evans to stop and show their hands.¹⁰

While looking through Hunter's front windshield and partially opened passenger window, Rodriguez focused his attention on Hunter and observed him reach his right hand towards the driver's side door. Hunter pulled up what appeared to be the brown butt of a handgun. Simultaneously, Hunter revved his engine and tried to back up the vehicle, pinning Lee between the patrol car passenger door and Hunter's vehicle.¹¹ Rodriguez heard a single gunshot and believed that Hunter had fired a round at Lee. Fearing for Lee's life as Hunter continued to reverse his vehicle, Rodriguez fired four to five rounds at Hunter. While Hunter continued to rev the engine and drive in reverse, Rodriguez believed Lee was going to be crushed by Hunter's vehicle. Rodriguez fired additional rounds at Hunter's vehicle, emptying his magazine. Rodriguez inserted a new magazine into his service weapon and heard that Hunter's vehicle had stopped revving. Rodriguez and Lee detained Hunter and Evans until assisting units arrived. Hunter, who was not moving, remained in the driver's seat. Evans exited the rear passenger door and was taken into custody by assisting deputies without further incident.

Statement of Jeremy Evans

Evans gave a Mirandized statement to LASD detectives on June 25, 2014.¹² Evans said he was the sole passenger in Hunter's vehicle. Hunter made an "illegal left" at the intersection of Rosecrans Avenue and Long Beach Boulevard and drove westbound on Rosecrans Avenue. Evans did not initially see the deputies because he was under the influence of marijuana. The deputies drove behind Hunter's car and Evans and Hunter agreed to "ride that shit out together".¹³ Evans denied that Hunter was trying to evade the police, but was trying to pull over to a safe place. Evans also initially denied knowing that there was a gun in the car. Hunter tried to stop his vehicle and crashed into a parked car. After the crash, Evans and Hunter raised their hands in the air. Evans kept his

¹⁰ Rodriguez was uncertain whether Hunter was trying to separate his vehicle from the parked car that he had struck or the patrol car.

¹¹ Rodriguez was not asked to clarify whether Lee was standing in the area between the opened patrol car passenger door and the frame of the patrol car or between the door of the patrol car and Hunter's car.

¹² Evans told the detectives that an unknown deputy questioned him about Hunter prior to his Mirandized statement. There is no documentation about the circumstances of the statement.

¹³ Evans said he knew that he could get in trouble because he had marijuana in his pocket and believed that Hunter may have had drugs in the car.

hands in the air. The deputies detained them at gunpoint and yelled at them not to move. Evans and Hunter did not move. The deputies repeatedly asked, "Where the fuck is the gun?" and Hunter and Evans denied having a gun. Hunter yelled, "Fuck!" and hit the steering wheel with his hand. Evans believed Hunter's car backed up. Evans did not see Hunter holding a firearm. The deputies began firing rounds at the car and Evans jumped into the back seat to avoid being struck. While rounds were still being fired, Evans tapped Hunter on his left side and felt the handle of a gun. When the gunfire ended, Evans, who had been struck by several rounds, exited the vehicle and fell onto the ground.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

"[U]nder the doctrine of transferred intent, self-defense may also apply where the defendant intends to injure or kill the person who poses the threat, but inadvertently kills an innocent bystander instead." *People v. Curtis* (1994) 30 Cal.App.4th 1337, 1357. "[T]he doctrine of self-defense is available to insulate one from criminal responsibility where his act, justifiably in self-defense, inadvertently results in the injury of an innocent bystander." *People v. Matthews* (1979) 91 Cal.App.3d 1018, 1024.

CONCLUSION

The evidence examined in this investigation shows that Jeremy Evans was the passenger in a car driven by Antoine Hunter, when Hunter made a U-turn at the intersection of Rosecrans Boulevard and Long Beach Boulevard and sped away on Rosecrans Boulevard. Hunter's driving caught the attention of Deputies Timothy Lee and Gregory Rodriguez because Hunter backed up his vehicle to complete the U-turn. Lee and Rodriguez began to follow Hunter and observed him make an abrupt left turn into a residential neighborhood in front of two oncoming vehicles, causing both vehicles to brake to avoid a collision. After waiting for the traffic to clear, Lee and Rodriguez continued to follow Hunter and Evans through the residential neighborhood. Hunter drove through a posted stop sign at the intersection of Sloan Street and Elm Street, and Lee and Rodriguez activated the patrol car's overhead emergency lights and the passenger spotlight. A short vehicle pursuit ensued, resulting in Hunter driving through another posted stop sign, driving eastbound in the westbound lane of traffic and eventually crashing into a car parked at the northeast corner of Palmer Street and Poinsettia Avenue.

Rodriguez stopped the patrol car on the driver's side of Hunter's vehicle, with the front bumper of the patrol car nearly even with Hunter's rear bumper. Lee and Rodriguez exited the patrol car and drew their service weapons. Rodriguez ran around towards the passenger side of Hunter's car while Lee stood behind the opened passenger side door of the patrol car. Rodriguez and Lee repeatedly yelled for Hunter and Evans to stop, to not move and show their hands as Hunter revved his engine, backed his car into the passenger side of the patrol car and rocked the vehicle back and forth.

As Hunter drove his car in reverse, the front end of his vehicle turned into the patrol car, causing the passenger door to partially close and pinning Lee between the door and the frame of the patrol car. As Hunter reversed his vehicle, Lee stood approximately two feet away from Hunter in the driver's seat. Lee observed Hunter reaching towards his waistband with both hands. Hunter continued to drive in reverse and rev his engine. Rodriguez observed Lee pull out what appeared to be the butt of a handgun. In reasonable fear of death or great bodily injury, Lee fired at Hunter. In reasonable fear of death or great bodily injury to his partner, Rodriguez also fired at Hunter. Lee ran to the rear of Hunter's vehicle, and Lee and Rodriguez again commanded Hunter and Evans not to move. Hunter revved his engine again, and Lee and Rodriguez fired additional rounds at Hunter. At some point during the incident, Evans was struck by gunfire and moved into the back seat of the vehicle. Evans' shooting was inadvertent and occurred as Lee and Rodriguez were defending themselves and each other against the threat posed by Hunter.

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Given the rapidly evolving, life threatening situation that confronted Deputies Lee and Rodriguez, we conclude that they acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

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By 

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c: Deputy Timothy Lee, #471264
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