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June 6, 2023

The Honorable Ian Parkinson
Sheriff-Coroner
County of San Luis Obispo
1585 Kansas Avenue
San Luis Obispo, California 93405

Re: Review of Officer Involved Shooting Incident
Decedent: Edward Zamora Giron II (DOB [REDACTED], Age 35)
Date and Time of incident: May 10, 2021, about 5:40 p.m.
Location: 3175 Camellia Court, San Luis Obispo
Officers Using Deadly Force: San Luis Obispo City Police Officers Joseph Hurni and Steve Orozco
San Luis Obispo County Sheriff's Office Case No. 2105-03699¹
San Luis Obispo County Coroner's Case Nos. 19195 and 19196
District Attorney Case No. 079-689427

Dear Sheriff Parkinson,

The District Attorney's Office has completed its independent review of the officer involved shooting incident occurring at 3175 Camellia Court in San Luis Obispo on May 10, 2021. The incident resulted in the shooting deaths of San Luis Obispo City Police Detective Luca Pietro Benedetti and gunman Edward Zamora Giron II. Giron died by a self-inflicted gunshot to the head. This report contains our findings.

OVERVIEW

This report recites the factual findings and legal opinions of the San Luis Obispo County District Attorney's Office related to the officer involved shooting incident which occurred in San Luis Obispo on May 10, 2021. On that date peace officers with the San Luis Obispo City Police Department attempted to execute a search warrant at Edward Giron's residence, an apartment located at 3175 Camellia Court Unit D. To facilitate the search, Officers first attempted to make contact by calling Giron's known telephone number; when he did not answer, they knocked on the front door and announced their presence;

¹ Associated law enforcement agency reports: San Luis Obispo Police Department Report Nos: 210510006, 210510007, 210508010, and 210508104; California Highway Patrol MAIT Report No. ML-013-21; CA DOJ Bureau of Forensic Services Report Nos. B-21-000488-0001, B-21-000488-0002, and B-21-000488-0003, and San Luis Obispo County Coroner Case Nos. 19195 and 19196.

when there was no answer, they attempted to open the door using a key provided by the property manager; when the key did not work, they knocked more loudly and verbally announced their presence; finally, when there was no response, they forced the door open after announcing their intent to do so. The entry team in order of approach were Detective Luca Benedetti, Detective [REDACTED], Officer Steve Orozco, and Officer Joseph Hurni. Detective [REDACTED] used a ram to breach the front door. Detective Benedetti gently pushed the door open and announced their presence from just outside the threshold. Giron, who was waiting in ambush in the front room, fatally shot Detective Benedetti. The remaining officers quickly retreated from the entry and down a set of stairs. Giron pursued them and shot and wounded Officer Orozco. As Officer Orozco made his way across an adjacent lawn area, Giron shot him again. In response, Officers Orozco and Hurni returned gun fire in an effort to subdue Giron. Giron eventually took his own life by shooting himself.

The District Attorney's Office has conducted an independent evaluation of the facts and circumstances of this incident and has reviewed all evidence and legal standards impartially. The scope of this review is expressly limited to determining whether any violation of California criminal law occurred when Officers Orozco and Hurni employed deadly force by shooting Giron. This review does not address issues of policy, training, tactics, or civil liability.

The findings and opinions in this report are based primarily on review of the comprehensive investigation performed by the San Luis Obispo County Sheriff's Office and contained within their final investigative summary and attached exhibits, as well as the author's site visit. The Sheriff's 80-page final investigative summary includes a thorough reconstruction of the events leading up to and during the incident. The investigation included: interviews of 64 civilian and law enforcement witnesses; collection of over 300 items of evidence; completion of over 125 investigative reports; review of body worn camera and patrol in-unit video, law enforcement radio communications, and social media accounts; and the testing of physical evidence. Exhibits contained within the Sheriff's final investigative summary that were reviewed are listed in **Attachment A** to this report.

INVESTIGATIVE METHODOLOGY

The San Luis Obispo County Sheriff's Office was the lead investigating agency in this incident. The identification, collection, and processing of evidence was accomplished in collaboration with outside agencies, including but not limited to the California Highway Patrol and California Department of Justice Bureau of Forensic Services. Both Officer Orozco and Officer Hurni were cooperative in the investigation and provided voluntary statements.

The investigation established a timeline of events for this incident. Body worn camera footage of Officer Hurni captured the group of law enforcement prior to breaching the door of Unit D through the shooting death of Detective Benedetti. The timeline was

developed using law enforcement radio communications, witness interviews, body worn camera and in-unit video footage.

Once the Sheriff's Office completed their investigation the author was provided an in-person presentation of their findings and final investigative summary with associated exhibits, as described above. The author is responsible for the complete and impartial review of the investigation and preparation of this report.

SUMMARY OF FINDINGS

The incident involved the use of deadly force by Officers Orozco and Hurni when they shot Edward Giron II, who was then an active shooter. The officers' use of deadly force was necessary and justified as self-defense or as defense of another within the meaning of Penal Code Section 835a(c)(1)(A). No criminal charges are warranted against either of them.

FACTUAL SUMMARY

Edward Giron II was the suspect in four commercial burglaries that occurred in San Luis Obispo between Saturday May 8 and Monday May 10, 2021.² Based on their investigation detectives with the San Luis Obispo Police Department requested and were given judicial authorization to search Giron's residence at 3175 Camellia Court Unit D, San Luis Obispo, and Giron's 2004 GMC Envoy sports utility vehicle for evidence related to the burglaries.

On May 10 shortly before 5 p.m. the following members of the police department were gathered in the area of Camellia Court to execute the search warrant; Sergeant Aaron Schafer, Detective Luca Benedetti, Detective [REDACTED], Detective Marissa Womac, Officer Steven Orozco, and Officer Joseph Hurni.

The team had identified the residence and had conducted surveillance in an effort to determine if it was occupied. They had also located Giron's GMC Envoy in the parking lot of 3175 Camellia Court. Items and other evidence consistent with the burglaries were visible through the vehicle's windows.

Camellia Court is a cul de sac bordered by several multi-family residential dwellings. Generally, these are apartment complexes consisting of four units, two at ground level and two on a second story level. 3175 Camellia consists of four units, identified as A through D facing west towards Camellia Court. Units C and B are on the ground level. Units D and A are on the second story. Units D and A share a common second story landing. Giron resided in Unit D.

At the time the search warrant was executed the weather was sunny, clear, and warm.

² Burglaries included: Megan's Organic Market at about 1:37 a.m. on May 8; Valero Gas Station at about 11:18 p.m. on May 8; The Pad Climbing Gym late evening of May 9 to early morning of May 10; Tractor Supply at about 3:55 a.m. on May 10.



Figure 1. 3175 Camellia Court, depicting Unit D, second story landing, and stairwell.

The team arrived at the location in four vehicles. Three of the vehicles were unmarked and not readily identifiable as associated with law enforcement. Detectives Benedetti and [REDACTED] arrived in an unmarked vehicle and parked in the cul de sac of Camellia Court. Sergeant Aaron Schafer arrived alone in an unmarked vehicle and parked behind a red truck near the southwest corner of Camellia Court. Detectives Orozco and Womack arrived together in Womack's unmarked Ford Explorer sports utility vehicle. They parked behind a blue sedan at the southeast corner of Camellia Court. Officer Hurni arrived alone in a distinctly marked Ford Explorer and parked in the parking lot of 3175 Camellia Court just south of the second story shared landing of Units A and D. He parked directly in front of Giron's GMC Envoy. Officer Hurni's distinctly marked police SUV was visible from the south end of the Units D & A landing.

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Figure 2. Location of Officer Hurni and Detective Womack's vehicles.

The team developed a sequence of efforts they would make to avoid forced entry into Unit D. That is to say, forced entry was the method of last resort. The sequence included calling Giron's telephone, knocking on the door to facilitate cooperation, using a key provided by the property manager to gain non-forced access, and if necessary, using a ram to breach the door.

The entry team consisted of Detectives Benedetti and [REDACTED] and Officers Orozco and Hurni. Detective Benedetti was to be first at the door to contact Giron to facilitate the search. He was armed with a rifle. Detective [REDACTED] was second from the door with the ram in the event that a forced entry was necessary. Officers Orozco and Hurni followed, in that order. Officer Orozco was armed with a .40mm less lethal launcher.³ Sergeant Schafer and Detective Womack remained on the ground level to cover the back window of Unit D.

At about 5:12 p.m. the entry team gathered on the second story landing outside of Unit D. Prior to this, Sergeant Schafer had called Giron's telephone which went to voicemail. The team had also been provided a key to Unit D by the property manager.⁴

³ A .40 mm less lethal launcher is a rifle-type weapon that shoots .40 millimeter ammunition, typically a rubber or gel projectile designed to be non-penetrating and to disperse energy over a broad area. It is intended to be a less than lethal option for law enforcement.

⁴ The property manager provide the key to Sergeant Schafer after being shown the court authorized search warrant.

While on the landing, the entry team could hear music coming from Unit D. Officer Hurni noticed the window to the adjacent Unit A was open. Hurni knocked on the window and spoke with an occupant who stated they were “pretty sure” Giron was home.

Detective Benedetti attempted to contact Giron by knocking on the front door of Unit D and announcing his presence. There was no response. Detective Benedetti then rang the doorbell several times. After four or five rings the music coming from within Unit D stopped, but there was no verbal response. Detective Benedetti knocked on the door and rang the doorbell again. There was no response. Detective Benedetti used the key provided by the property manager to gain access. It did not work. Detective Benedetti knocked harder and exclaimed “Police department, search warrant. Open the door or we’re going to force entry. Edward, open the door.” Getting no response, Detective Benedetti knocked loudly again stating “Edward, it’s the police department open the door.” There was no response.

At about 5:19 p.m.⁵ Detective [REDACTED] struck the door twice with a ram, forcing it open.⁶ The door opened slightly inward but swung naturally back towards a closed position. About seven seconds later, Detective Benedetti lightly pushed the door open while stating “Edward, come out here.” The detective stood less than two feet outside of the doorway. The interior of the unit was poorly lit as compared to the bright outside daylight. About three seconds later, Giron shot Detective Benedetti on the right side of his head. Detective Benedetti instantly fell to the ground. It was later determined that Giron was 5 to 7 yards to the right of the door when he shot Detective Benedetti with a birdshot round from a Remington 870 shotgun.

Officers Hurni and Orozco, and Detective [REDACTED] ran down the stairs to the ground level to seek cover. Giron came out of the unit and onto the landing. He fired a birdshot⁷ round from the shotgun down the stairwell at the group as they ran. The round struck Officer Orozco on his right shoulder and arm. Giron moved to the west edge of the landing and fired a shotgun slug⁸ round downward at Officer Orozco who was on the lawn area at ground level. Officer Orozco had fallen and was in the process of getting back to his feet when he was struck in the back left side of his head with the wadding⁹

⁵ :53 into Officer Hurni’s body worn camera recording.

⁶ Times were estimated by the author by comparing specific timestamped police radio communication with the corresponding body worn camera footage of Officer Hurni.

⁷ Birdshot is a type of metal shot or pellets designed for use in shotgun shells. When the cartridge is fired the pellets, usually numbering in the hundreds, disperse in an expanding pattern toward the target.

⁸ A slug is a type of ammunition designed for use in shotgun shells. Unlike traditional shotgun ammunition it is made up of one large projectile or bullet.

⁹ Shotgun wadding is the plastic material that separates the pellets or the slug in a shotgun round from the powder charge. When a shotgun is discharged the wadding is also forcefully projected outward with the pellets or slug.

from the slug round causing a laceration to his head.¹⁰ At about this time, Detective [REDACTED] had gone to the rear of the complex, where he met up with Detective Womack.



Figure 3. Stairwell leading to upstairs landing and Units D and A.

After being shot a second time, Officer Orozco ran behind a wooden trash enclosure located just south of the landing which provided him with some concealment. He dropped his .40 mm less lethal launcher, assessed his injuries, and retrieved his handgun. He looked up to the landing and saw Giron facing him holding what he believed to be a rifle. Giron was less than eight yards away and at an elevated vantage point. Officer Orozco fired one round from his 9 millimeter semi-automatic handgun at Giron. Giron moved back towards the front door of Unit D.

At about this time, Sergeant Schafer, who was behind Detective Womack's unmarked SUV parked at the southeast corner of Camellia Court, gestured for Orozco to retreat to his position. Officer Orozco did so. Sergeant Schafer made his way quickly west across Camellia Court to get a visual on the door to Unit D. From the landing, Giron fired three shotgun slug rounds southwest in the direction of Sergeant Schafer. The rounds struck two vehicles parked near the southwestern corner of Camellia Court.¹¹ (See Figure 5, below)

It appears this is when Giron returned to Unit D, abandoned his shotgun and retrieved Detective Benedetti's rifle. Giron reappeared and moved to the south end of the landing holding Detective Benedetti's rifle. Giron immediately began shooting at Officer Hurni

¹⁰ Later shotgun patten testing established that the actual slug round likely passed just inches from Officer Orozco's head. See below, "Additional Evidence" for more detail.

¹¹ A red 2016 Toyota Tundra was struck on the tailgate by two rounds and a white 2019 Toyota Corolla was struck on the frame above the rear passenger window.

who was moving south across the lawn toward 3195 Camellia Court, about eleven yards east of officer Orozco's position. Officer Orozco fired six rounds at Giron with his handgun from behind Detective Womack's unmarked SUV.

Officer Hurni was the only team member who had an active body worn camera at the time of the incident. After fleeing the landing, he had run down the stairwell to the parking lot east and rear of the complex. At about 5:20 p.m. he broadcast over the police radio channel "Shots fired. Shots fired. He's got a gun. He's shooting at us. All units. All units."¹² As Officer Hurni relayed this information, you can hear at least three more gunshots. These are believed to be Giron, and likely the one round fired by Officer Orozco from behind the wooden trash enclosure before he retreated to Detective Womack's SUV. Officer Hurni returned to his vehicle south of the landing and retrieved his rifle. When the officer looked up, Giron was moving quickly to the south end of the landing while pointing a rifle at him, later determined to belong to Detective Benedetti. Giron was about eight yards away with an elevated vantage point. Officer Hurni quickly moved backwards and south across the lawn of 3195 Camellia Court. As Officer Hurni retreated Giron fired at least four rounds at the officer, striking the sidewalk and center median area along Margarita Avenue behind the officer's position. Concurrently, Officer Hurni fired seventeen rounds at Giron. After this volley of gunfire, Sergeant Schafer who was positioned on the west side of Camellia Court saw Giron stumble and crawl back towards the front door of Unit D.

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¹² 1:16 into Officer Hurni's body worn camera recording and about 8 seconds after Detective Benedetti was shot.



Figure 4. Location of various bullet strikes from Giron and their rough trajectories: (A) Toyota Corolla – one strike above rear passenger window; (B) Toyota Tundra – two strikes on tailgate; and (C) bullet strikes on sidewalk (one strike) and on center median of Margarita Avenue (potentially 5).

Officer Hurni then made his way west and positioned alongside Officer Orozco who was at the rear of Detective Womack's unmarked SUV parked at the southeast corner of Camellia Court. Officer Orozco told Hurni that he had been "hit in the head and the arm."

After assessing Officer Orozco, Hurni moved west across Camellia Court and behind a tree. The position provided a view of the landing and Unit D. Giron was no longer visible on the landing. Based on Sergeant Schafer's observation of Giron stumbling and crawling back towards Unit D, it was believed that Giron was now in the apartment. At about this time, Officer Orozco was taken to the hospital.

Over the next several minutes additional law enforcement arrived, including members of the San Luis Obispo County Sheriff's Office. The group discussed how to tactically approach the landing and Unit D.

At about 5:23:02 pm¹³ a single gunshot can be heard on Officer Hurni's body worn camera. It appears to come from the vicinity of Unit D. It is believed that this is most likely when Giron shot and killed himself using Detective Benedetti's rifle. It bears noting

¹³ 3:31 into Officer Hurni's body worn camera recording.

that there is sound similar to a gunshot heard on Officer Hurni's body worn camera at about 5:35:28 p.m. (15:57 into Officer Hurni's body worn camera recording). The author is unable to confirm whether what is heard is a gunshot. If so, this is likely the fatal self-inflicted shot of Giron. At about 5:42 p.m.¹⁴ peace officers ascended the stairs.

Detective Benedetti was discovered deceased on the landing immediately outside of the front door with what was determined to be a fatal gunshot wound to the head. Giron was deceased immediately inside of the front door. He had been shot multiple times, with one obviously fatal gunshot to the head. Giron was holding Detective Benedetti's rifle. Forensic Pathologist Dr. Joye Carter later determined that Giron's cause of death was a self-inflicted gunshot wound to the forehead and the manner of death was suicide.

The scene was secured, and the San Luis Obispo County Sheriff's Office and California Highway patrol responded. The Sheriff's Office took the lead on the officer involved shooting investigation. The Highway Patrol created a comprehensive crime scene diagram of the areas involved in the incident, including placement and a description of all significant evidentiary items.

All involved law enforcement personnel cooperated with the investigation and provided voluntary statements reciting their observations, perceptions, and actions. Officers Orozco and Hurni likewise were cooperative and provided voluntary statements reciting their observations, perceptions, and actions that lead to their use of deadly force.

San Luis Obispo City Police Officer Steve Orozco

At the time of this incident Officer Orozco had been a San Luis Obispo Police Officer for about five years. Prior to that he was a police officer with the King City Police Department in Monterey County for about two years. He arrived at the Camellia Court location with Detective Marissa Womack in Womack's unmarked silver Ford Explorer which was parked behind a blue sedan at the southeast corner of Camellia Court. He was wearing a long sleeve black button up collared shirt and black pants, a black belt which held his sidearm (a nine millimeter semi-automatic handgun) and a metal police badge on his right hip. He wore a black tactical vest with the word Police in white lettering on the right chest and center back. The vest held a radio and two extra ammunition magazines.

Officer Orozco shot at Giron in two episodes from two locations. Location one was near the wooden trash enclosure south of the landing at ground level. At that location Officer Orozco fired one round from a standing position when he saw Giron on the landing about eight yards away holding what he believed was a rifle at an elevated vantage point. After his first shot, Officer Orozco retreated to a location of cover behind Detective Womack's unmarked SUV at the southeast corner of Camellia Court. From there he observed Giron holding a rifle while shooting in the general direction of Officer Hurni who was about 11 yards to the east (or left) of his position. Officer Orozco then fired six rounds at Giron using his handgun. (See Figure. 5)

¹⁴ 23:32 into Officer Hurni's body worn camera recording.

At the time of both shooting episodes Officer Orozco was aware that Giron was the prime suspect in four nighttime commercial burglaries in San Luis Obispo. He himself had secured a search warrant authorizing the search of Giron's residence and vehicle for evidence of those crimes. He was aware that Giron had ambushed the entry team from within Unit D and that Detective Benedetti had been shot. Officer Orozco himself had been shot by Giron twice; once in his right shoulder and arm while retreating down the stairwell and again in the back of the head while getting to his feet on the lawn area. He was seriously injured and bleeding significantly.

Officer Orozco describe his belief that, Giron "was going to keep shooting at me. I was in fear, in fear for my life at that point... He's going to shoot us until he can get as many of us (referring to himself and fellow law enforcement) as he can...He's not going to stop."



Figure 5. Positions of Officer Orozco during his two shooting episodes. At position 1 he shot once. At position 2 he fired 6 rounds. The general trajectories of those rounds are illustrated by the yellow arrows.

San Luis Obispo City Police Officer Joseph Hurni

At the time of this incident Officer Hurni had been a San Luis Obispo Police Officer for about six years and a peace officer with California State Parks for about three years prior to that. During this incident he was a solo officer driving a black and white distinctly marked Ford Explorer equipped with an external emergency light bar, search lights on both A pillars, a push bar at the front and police emblem on both the driver and passenger side doors. He was wearing a blue police uniform, with distinct shoulder patches, a metal

police badge on his chest and metal name bar on the opposite side of his chest. He was wearing a duty belt with his sidearm, baton, flashlight, taser, radio, extra ammunition magazines, and handcuffs.

Officer Hurni was aware that Giron was the prime suspect in four nighttime commercial burglaries in San Luis Obispo and had aided in securing a search warrant authorizing the search of Giron's residence for evidence of those crimes. At the time he shot Giron, Officer Hurni was aware that Giron had ambushed and shot at the team from within Unit D. He was not aware that Detective Benedetti or Officer Orozco had actually been shot. After the ambush, Officer Hurni fled to the rear of the complex then returned to his patrol vehicle to retrieve his rifle. He described doing this to protect himself, fellow law enforcement and civilians who were in the area from Giron who he described as an "active shooter." Specifically, he expressed his belief that "everyone in the cul de sac is at risk now...this is a densely populated area with multi-residential housing. Everyone is in danger until he stops deciding that he want to kill people."

After retrieving his rifle, Officer Hurni looked up and saw Giron "aggressing" towards the south end of the landing and towards him while pointing a rifle. Giron was about eight yards away and at an elevated vantage point. The officer describe his observation and resulting belief as follows: "I recall [Giron] pointing [the rifle] at me and I recall having the thought, he's about to kill me. I'm gonna die if I don't do something and so I engaged him with gunfire from my rifle...I remember him pointing it at me. I don't know if he fired before me or not, but I do remember thinking I'm about to die if I don't do something; if I don't defend my life. So, I fired several times. He fired and so I continued to deliver fire until I couldn't see him anymore." In describing the urgency of the situation, Officer Hurni stated, "[Giron] was an active shooter, an active killer, an active murderer" who "made it clear through his actions that he was going to try and kill as many of us as possible." Officer Hurni expressed his belief that if Giron was not stopped "he would come down the stairs with that rifle and try to kill any and all of us that he could." As a result, Officer Hurni fired 17 rounds in rapid succession as he quickly retreated south across the lawn towards the complex at 3195 Camellia Court. During this maneuver the officer described himself as "exceptionally exposed" without cover or concealment, and as having no time to verbally address Giron for fear of being shot.

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EVIDENCE COLLECTED

About 300 items of evidence were collected during this investigation. Some of the most relevant pieces to our use of force analysis are described herein.

Expended Ammunition Casings

- A. *One expended .223 caliber bullet casing* was located in the living room of Unit D at the south end of the same couch on which the Remington 870 shotgun was located. The casing appears to be consistent with the type of ammunition contained within Detective Benedetti's rifle. The author believes this is likely the casing from the round Giron used to shoot himself using Detective Benedetti's rifle.
- B. *One expended 12 gauge Remington shotgun shell* was located in the living room of Unit D about one foot away from the bedroom door. This is a black birdshot casing that is consistent with the type of birdshot ammunition used to shoot Officer Orozco, and the live ammunition located in Giron's pants pockets at the time of autopsy. The author believes this expended shell to have been shot from the Remington 870 by Giron and likely the round that killed Detective Benedetti.
- C. *Four expended 12 gauge shotgun shells* were located at ground level beneath and west of the landing. These included one expended bird shot shell (black in color) and three expended slug shells (blue in color). The slug shells appear consistent with the live ammunition located within the Remington 870 when it was seized, and the live ammunition located in Giron's pants pockets at the time of autopsy. The birdshot shells appear consistent with the ammunition located in Giron's pants pockets at the time of autopsy. The author believes the four rounds to have been shot by Giron using the Remington 870, two of which struck Officer Orozco (one birdshot round on the stairwell and one slug round on the lawn).
- D. *Four expended .223 bullet casings* were located in the vicinity of the landing; three on the landing and one below it at ground level. These casings are consistent with the type of ammunition loaded in Detective Benedetti's rifle. The author believes the casings were ejected from Detective Benedetti's rifle when Giron shot at Officer Hurni who was positioned west of 3195 Camellia.
- E. *One expended 9 millimeter bullet casing* was located south of the wooden trash enclosure. This is where Officer Orozco stated he was positioned when he initially shot at Giron who was on the landing. The casing was found adjacent to the .40 mm launcher that Officer Orozco discarded at the location and consistent with the type of ammunition loaded in the firearm of Officer Orozco. The author believes this casing to have been ejected from Officer Orozco's firearm during his first shooting episode.

- F. *Six expended 9 millimeter bullet casings* were located south of Detective Womack's unmarked SUV parked at the southeast corner of Camellia Court. This is where Officer Orozco stated he was positioned when he fired multiple rounds at Giron who was on the landing. The casings are consistent with the type of ammunition loaded in the firearm of Officer Orozco and the author believes the casings to have been ejected from his firearm during his second shooting episode.
- G. *17 expended .223 bullet casings* were located in the lawn area west of 3195 Camellia Court. This is where Officer Hurni stated he was positioned when he fired multiple rounds at Giron who was on the landing. The casings are consistent with the type of ammunition loaded in the rifle of Officer Hurni and the author believes these casings to have been ejected from his rifle during the shooting incident.

GMC Envoy

Giron's 2004 GMC Envoy was searched pursuant to a judge authorized search warrant. The Envoy was located in a parking stall associated with 3175 Camellia Court and contained items related to the four commercial burglaries, but not relevant to our use of force analysis.

ADDITIONAL EVIDENCE

Autopsy

On May 12, 2021, an autopsy was performed on Giron by Forensic Pathologist Dr. Joye Carter, MD. The cause of death was confirmed as being a *single, perforating rifle wound to the head*. Other significant conditions contributing to death but no resulting in the underlying cause of death were "multiple gunshot wounds and pellet injuries to the head, trunk and extremities." Seventeen penetrating gunshot wounds were noted. The locations included behind the left ear, left shoulder, the front of the chest, front of the abdomen, right arm, left hand, left shin, and left buttock.¹⁵ The fatal wound was from a gunshot entering the center of the forehead. This wound was determined to have been self-inflicted. During the forensic examination, 7 unexpended 12 gauge shotgun shells were located in Giron's pants pocket; 2 in his front right front pocket and 5 from his left front pocket.

3157 Camellia Unit D

Unit D was searched pursuant to court authorized search warrant. The unit consisted of one bedroom, a living room area, kitchen area, and one bathroom. Many items of evidentiary value were located. The following are some of the more salient items:

¹⁵ Giron had several penetrating pellet type wounds consistent with the birdshot rounds he was using. These wounds are believed to have been caused by blowback or the ricochet of shot pellets when Giron shot Officer Orozco in the confined area of the stairwell. There is physical evidence indicating that the shot struck wood members in the stairwell that would have caused this.

A. Living Room

1. Remington 870 12 gauge shotgun - located on a couch in the living room. Inside the magazine of the shotgun were three unexpended shotgun slug rounds. No round was chambered. This is believed to be the shotgun used initially by Giron during the incident.
2. One expended Hornady .223 caliber casing - located at the south end of the same couch on which the above shotgun was found. This is believed to be the expended casing of the bullet Giron used to take his own life.
3. One expended 12 gauge Reminton shell casing - located about a foot away from the bedroom door. This is believed to be the expended shell of the birdshot round Giron used to shoot Detective Benedetti.
4. Crossman Pumpmaster .177 caliber pellet gun - located leaning up against the north end of the couch, the butt of the rifle resting on the floor.

B. Bedroom

1. Reminton 870 Express shotgun - located laying on the foot of the bed loaded with 5 live cartridges (four in magazine and one in the chamber).
2. Remington 582 bolt action rifle - located laying on the center of the bed, one chambered round and 14 rounds in the magazine.
3. Estate 12 gauge shotgun rounds - 5 live rounds located on the south wall dresser.
4. Federal 12 gauge shotgun rounds - 2 live rounds located on the south wall dresser.
5. Box of Remington shotgun shells - 9 live rounds on bottom shelf of end table west of the bed.
6. Box of Winchester 12 gauge shotgun shells - 10 live rounds located on the bottom shelf of end table west of bed.
7. Box of Winchester shotgun ammunition containing .22 caliber rounds - 104 live rounds of .22 caliber ammunition located on the bottom shelf of end table west of bed.
8. Black JBL clothing bag with ammunition - 102 live rounds of .22 caliber ammunition and 12 live Winchester 12 gauge rounds.

C. Closet

1. Winchester 67 bolt action rifle – located on center of the closet floor, unloaded.
2. Harrington Topper M48 single shot shotgun - located on the center of the closet floor, unloaded.

Items believed to have been stolen in the commercial burglaries were located in various parts of the apartment. These items include cigarettes, climbing equipment, power tools and other tools.

Interviews with Giron's Neighbors

Occupants of 25 surrounding residences were interviewed to determine what, if anything, they saw or heard. What was learned was corroborative of other evidence recited herein. Broadly, several residents heard officers attempting communication with Giron and subsequent gunfire.

Interviews with Family, Friends, and Past Co-Workers

Interviews were conducted with family, friends, and co-workers of Giron. The consensus was that historically Giron had been a kind and thoughtful individual and loyal employee. However, during spring of 2020 many observed a sudden shift in behavior. He was described as paranoid and depressed. Additionally, he was described as periodically drinking to the point of passing out. One person interviewed stated that Giron appeared to be paranoid specifically about being followed by law enforcement and about July 2020 said, "I'll totally shoot the police." Overall, he was described as exceptionally paranoid that people were out to get him. This change in behavior is believed to have resulted in his losing two jobs, which in turn is believed to have quickly exacerbated his mental decline.

PHYSICAL EVIDENCE PROCESSING

Projectiles extracted from Giron

During an autopsy two bullet fragments and two expended projectiles were recovered from Giron's body. The items were sent to the California Department of Justice Bureau of Forensic Services for forensic testing. The two expended projectiles were of sufficient quality to identify characteristics consistent with having been shot from Officer Orozco's 9 millimeter handgun. The two bullet fragments possessed insufficient detail to make a valid comparison. For the purpose of this evaluation, the author believes the two identifiable expended projectiles were fired by Officer Orozco.

Shotgun Pattern Testing

Detectives with the San Luis Obispo County Sheriff's Office test fired the Remington 870 shotgun, believed to have been used by Giron to shoot Detective Benedetti and Officer Orozco, to determine its spread pattern at various distances. This process provided an

estimate of the muzzle to target distance during the shootings. Testing was done by firing the same type of birdshot rounds and slug rounds used by Giron during the shootings using the Remington 870. The process was video recorded, audio recorded, and photographed. It was estimated that Giron was between 5 and 7 yards from Detective Benedetti when he was shot. It was further estimated that the slug round associated with the wadding that struck the back of Officer Orozco's head missed striking Officer Orozco by inches.

TOXICOLOGY RESULTS

Forensic testing of Giron's blood revealed low levels of delta-9-terahydrocannabinol (a psychoactive constituent in cannabis) and its metabolite, and a high therapeutic level of diphenhydramine.

CRIMINAL HISTORY

Giron had several law enforcement contacts beginning in March of 2008. In March of 2008, he was arrested for driving while under the influence of drugs or alcohol; in October 2009 and February 2009, he was cited for driving with a suspended license; in March 2017 he was arrested for driving under the influence of drugs or alcohol; and in July of 2020 he was arrested for trespassing at two separate residences in Santa Barbara County. Beginning spring 2020, Giron was the subject of three noise complaints and several "check the welfare" requests by family and friends. It was during this period that family, friends, and neighbors began to report paranoid and bizarre behavior. January 2021, Giron was arrested for being drunk in public.

As previously described, Giron was suspected in four nighttime commercial burglaries within the city of San Luis Obispo that occurred between May 8 and May 10, 2021.

STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a fatal shooting include murder [Penal Code Section 187]; manslaughter [Penal Code Section 192]; assault with a deadly weapon [Penal Code Section 245]; negligent discharge of a firearm [Penal Code Section 246.3] and assault by a police officer [Penal Code Section 149]. Possible criminal charges against an officer involved in a non-fatal shooting include assault with a deadly weapon [Penal Code Section 245]; negligent discharge of a firearm [Penal Code Section 246.3]; and assault by a police officer [Penal Code Section 149].

For an officer to be criminally liable of any of these charges it would be necessary to prove beyond a reasonable doubt that no legal justification existed for the officer's actions. (*People v. Adrian* (1982) 135 Cal.App.3d 335, 340-342.). Penal Code Sections 26, 196, 197 and 835a list several justifications for the use of force, including deadly force, that may apply in any given case.

Penal Code section 26 subdivision (3) precludes criminal liability for those who act under a mistake of fact that disproves the required criminal intent. This legal principle is recited in the pattern criminal jury instruction authored by the Judicial Council of California, CALCRIM 3406: an accused is not guilty of the crime charged if he or she did not have the intent or mental state required to commit the crime because they were reasonably unaware of a fact or reasonably believed a fact to be true when it was not. Put another way, an individual does not act unlawfully if they commit an act based on a reasonable and honest belief that certain facts and circumstances exist which, if true, would render the act lawful. (*People v. Reed* (1996) 53 Cal.App.4th 389, 396.).

Penal Code Section 196 provides that use of deadly force by a public officer is justifiable when done in compliance with Penal Code section 835a.

Penal Code Section 197, provides that the use of deadly force is justified when used to thwart the imminent threat of death or serious bodily injury to oneself or others. Similarly, the pattern criminal jury instruction authored by the Judicial Council of California, CALCRIM 3470, permits a person being assaulted to defend themselves from attack if, as a reasonable person, they had grounds for believing and did believe that bodily injury was about to be inflicted upon them or upon another person. In doing so, such person may immediately use all force and means which they believe to be reasonably necessary, and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to defend against that danger and to prevent the injury which appears to be imminent. The person's right of self-defense or defense of others is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639, 641-642.).

Additionally, a person who has been threatened or harmed by another in the past or reasonably believes that the person has harmed others may be justified in acting more quickly or taking greater defensive measures against that person.

Finally, a person is not required to retreat and is entitled to stand their ground and defend themselves and, if reasonably necessary, to pursue the assailant until the danger has passed. This is so even if safety could have been achieved by retreating.

Specific to peace officers, Penal Code Section 835a allows an officer to use objectively reasonable force to effect an arrest, prevent escape, or to overcome resistance. The decision to use force and what level of force to use is evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to the officer at the time, rather than with the benefit of hindsight. The "totality of the circumstances" shall be considered when officers are forced to make quick judgments about using force and the level of force to employ. (Penal Code Section 835a(a)(4).) The term "totality of the circumstances" includes all facts known to the peace officer at the time, including the conduct of the particular officer and the subject leading up to the use of deadly force. (Penal Code Section 835a(e)(3).) Although an officer's pre-shooting

conduct is to be considered as part of the totality of circumstances surrounding the use of force, the “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. (*Koussaya v. City of Stockton* (2020) 54 Cal.App.5th 909, 935-936.).

Penal Code Section 835a provides that a peace officer is justified in using deadly force in two primary circumstances; (1) when the officer reasonably believes that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. In the context of the fleeing felon, where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. (Penal Code Sections 835a(c)(1)(A) and 835a(c)(1)(B), respectively). In determining whether deadly force is necessary, an officer shall evaluate the circumstances of each situation independently and use other available resources and techniques if reasonably safe and feasible to do so. (Penal Code Section 835a(a)(2).).

Consistent with case law, Penal Code Section 835a maintains the principle that a police officer, acting in compliance with this section, who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested, nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance. (Penal Code Section 835a(d).).

The Legislature, in enacting Penal Code Section 835a, included specific findings and declarations as guidance on applying the section. In summary:

- (1) Use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;
- (2) Use of force should be used only when necessary to defend human life and peace officers shall use alternative resources or de-escalation techniques if it is reasonable, safe, and feasible to do so;
- (3) Use of force incidents should be evaluated thoroughly with consideration of gravity and consequence, lawfulness and consistency with agency policies;
- (4) The evaluation of use of force is based upon a totality of the circumstances, from the perspective of a reasonable officer in the same situation, accounting for occasions when an officer may be forced to make quick judgements about using force; and

- (5) Those with disabilities may be affected in their ability to understand and comply with peace officer commands, and suffer a greater instance of fatal encounters with law enforcement, therefore.

Additionally, Penal Code Section 834a requires that if a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, that person must refrain from using force or any weapon to resist such arrest.

Nevertheless, the above justifications must be interpreted considering United States Supreme Court precedent that limits the right of a police officer to use deadly force. (*People v. Martin* (1985) 168 10 Cal.App.3d 1111, 1124.). Thus, in *Tennessee v. Garner* (1985) 471 U.S. 1, 3, the United States Supreme Court ruled that a police officer is entitled to use deadly force only when “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” This limitation was, however, clarified subsequently by the United States Supreme Court in the seminal case of *Graham v. Connor* (1989) 490 U.S. 386, wherein the Supreme Court explained that an officer’s right to use force [i.e., their weapon] is to be analyzed under the Fourth Amendment’s “objective reasonableness” standard. The Supreme Court further stated that the determination of the reasonableness of an officer’s use of force “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” (*Id.* at 396-397.). The United States Supreme Court’s analysis and teachings in *Graham* are applicable to the circumstances surrounding the interactions of Officers Orozco and Hurni in this use of force incident.

It is well settled that:

“[U]nlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because ‘the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effectuate it.’ Police officers are, in short, not similarly situated to the ordinary battery defendant and need not be treated the same. In these cases, then, the ‘...police officer is in the exercise of the privilege of protecting the public peace and order and he is entitled to the even greater use of force than might be in the same circumstances required for self-defense.” (*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 527.).

Where potential dangerous, emergency conditions or other exigent circumstances exist, the California Courts of Appeal have noted that the United States Supreme Court’s definition of reasonableness is comparatively generous to the police. The court in *Brown* noted that in effect, “the Supreme Court intends to surround the police who make these on-the-spot choices in dangerous situations with a fairly wide zone of protection in close cases. A police officer’s use of deadly force is reasonable if the officer has probable cause

to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” (*Brown, supra*, 171 Cal.App.4th at p. 528.).

“As long as an officer’s conduct falls within the range of conduct that is reasonable under the circumstances, there is no requirement that he or she choose the ‘most reasonable’ action or the conduct that is the least likely to cause harm and at the same time the most likely to result in the successful apprehension of a violent suspect... It would be unreasonable to require police officers in the field to engage in the sort of complex calculus that would be necessary to determine the “best” or most effective and least dangerous method of handling an immediate and dangerous situation, particularly when officers are forced to make split-second decisions under tense and often perilous conditions.” (*Brown, supra*, 171 Cal.App.4th at pp. 537-538.).

LEGAL ANALYSIS

Our review is solely to determine if Officers Orozco or Hurni’s use of deadly force violated California criminal law subjecting one or both of them to criminal prosecution. Put differently, whether the evidence establishes criminal liability beyond a reasonable doubt considering all reasonably foreseeable justifications. This opinion is based on the impartial review of the final investigative summary and evidentiary items listed in **Attachment A** of this report. As previously noted, to support a criminal filing on any of the involved law enforcement officers that employed deadly force, the prosecution must prove beyond a reasonable doubt that no legal justification existed for the officers’ conduct. If an officer acted in accordance with Penal Code section 835a, in lawful self-defense or in lawful defense of another, then criminal charges are not legally or ethically justified.

SELF-DEFENSE AND DEFENSE OF OTHERS

Officer Steve Orozco

Officer Orozco acted in reasonable and necessary defense of himself, fellow officers, and civilians in the immediate area when she fired at Giron. As such, his use of deadly force was justified pursuant to Penal Code Section 835a(c)(1)(A).

At the time of this incident Officer Orozco had been a peace officer for seven years. At the time of both shooting episodes Officer Orozco was aware that Giron was the prime suspect in four nighttime commercial burglaries in San Luis Obispo. The officer was aware that Giron had ambushed the entry team from within Unit D and had shot Detective Benedetti. Officer Orozco himself had been shot by Giron twice; once in his right shoulder and arm while retreating down the stairwell and again in the back of the head while getting to his feet on the lawn area. He had been seriously injured and was bleeding significantly. During both shooting episodes Officer Orozco shot because he was in grave danger of being killed himself, or fear that Giron would shoot and kill fellow law enforcement or civilians.

An individual may use deadly force to defend themselves or another against the unprovoked and imminent threat of death or great bodily injury. Here, Officer Orozco reasonably believed that Giron, as an active shooter, unequivocally posed an immediate threat of death to himself, fellow peace officers, and civilians in the area. At the time Officer Orozco first fired near the trash enclosure Giron was holding a rifle at an elevated position just yards away. When Orozco shot the second time from behind Detective Womack's unmarked SUV, he observed Giron holding a rifle and actively shooting in the direction of Officer Hurni about eleven yards to the east (or left) of his position. Officer Orozco was keenly aware that the incident was occurring in a populated residential area.

Critical to our analysis, an individual who reasonably believes that the person has harmed others or has harmed them in the past may be justified in acting more quickly or taking greater defensive measures against that person. Here, Officer Orozco was aware that only moments before Giron had ambushed and shot Detective Benedetti. Indeed, Giron had shot and seriously injured Officer Orozco, not once but a second time as he fled the initial ambush.

Finally, an individual is not required to retreat and is entitled to stand their ground and defend themselves or others and, if reasonably necessary, to pursue the assailant until the danger has passed.

Based on the critical life and death situation Officer Orozco was confronted with, he made the following reasonable assessment: "I thought [Giron] was going to keep shooting at me. I was in fear, in fear for my life at that point... He's going to shoot us until he can get as many of us as he can...He's not going to stop."

Officer Joseph Hurni

Officer Hurni acted in reasonable and necessary defense of himself, fellow officers, and civilians in the immediate area when he fired at Giron. As such, his use of deadly force was justified pursuant to Penal Code Section 835a(c)(1)(A).

At the time of this incident, Officer Hurni had been a peace officer for about nine years. He was aware that Giron was the prime suspect in four nighttime commercial burglaries in San Luis Obispo. At the time he shot, Officer Hurni was aware that Giron had ambushed and shot at the entry team from within Unit D. After the ambush, Officer Hurni returned to his patrol vehicle to retrieve his rifle. He described his purpose in doing this as protecting himself, fellow law enforcement, and civilians who were in the area from Giron who he described as an "active shooter." Officer Hurni believed that "everyone in the cul de sac is at risk now...this is a densely populated area with multi-residential housing. Everyone is in danger until he stops deciding that he wants to kill people."

After retrieving his rifle, Officer Hurni saw Giron "aggressing" to the south end of the landing toward him pointing a rifle. Giron was about eight yards away and at an elevated

vantage point when the Hurni began to retreat backwards while firing his rifle. The officer described his observation and conclusion as follows: "I recall [Giron] pointing [the rifle] at me and I recall having the thought, he's about to kill me. I'm gonna die if I don't do something and so I engaged him with gunfire from my rifle." Officer Hurni described Giron as "an active killer, an active murderer" who "made it clear through his actions that he was going to try and kill as many of us as possible." Officer Hurni stated his belief that, if not stopped, Giron "would come down the stairs with that rifle and try to kill any and all of us that he could."

An individual may use deadly force to defend themselves or another against the unprovoked and imminent threat of death or great bodily injury. Here, Officer Hurni reasonably believed that Giron was about to shoot him and posed an immediate risk of death to himself, fellow law enforcement, and civilians present in the area.

Important to our analysis, an individual who reasonably believes that the person has harmed others may be justified in acting more quickly or taking greater defensive measures against that person. Here, Officer Hurni was aware that only moments before Giron had shot at the entry team from within Unit D and continued to pursue and shoot as they fled.

Finally, as to both officers, there was no opportunity to reasonably engage in any de-escalation tactics. Giron's initial response to their presence was immediate and deadly. If Giron was going to shoot, which each officer reasonably believed he would, the threat of great bodily harm or death to them, fellow peace officers, or civilians was imminent.

As stated by the Court in *Brown*:

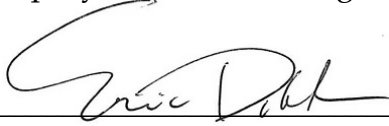
"As long as an officer's conduct falls within the range of conduct that is reasonable under the circumstances, there is no requirement that he or she choose the 'most reasonable' action or the conduct that is the least likely to cause harm and at the same time the most likely to result in the successful apprehension of a violent suspect... It would be unreasonable to require police officers in the field to engage in the sort of complex calculus that would be necessary to determine the "best" or most effective and least dangerous method of handling an immediate and dangerous situation, particularly when officers are forced to make split-second decisions under tense and often perilous conditions." (*Brown v. Ransweiler*, supra, 171 Cal.App.4th at pp. 537-538).

The fact that two officers shot at Giron does not change the justification of each officer's decision to shoot. In this circumstance, each individual officer made the subjective decision to shoot to neutralize the immediate threat to themselves, their colleagues, and the public. As stated by our Supreme Court "it stands to reason that if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended." (*Plumhoff v. Rickard* (2014) 572 U.S. 765, 777.).

CONCLUSION

Based upon a review of the Sheriff's final investigative summary and the evidence and exhibits described in **Attachment A** of this report, and pursuant to the controlling legal principles, it is our legal opinion that there is no criminal culpability on the part of Officer Steve Orozco or Officer Joseph Hurni in this shooting incident. There is overwhelming evidence that each officers' actions were reasonable, necessary, and justified under the totality of the circumstances when they shot or shot at Edward Giron II on May 10, 2021.

Accordingly, the San Luis Obispo County District Attorney's Office has closed its inquiry into this shooting incident.



Eric J. Dobroth, Assistant District Attorney



Read and approved by:

Dan Dow, District Attorney

CC: Terry O'Farrell, Chief Investigator, District Attorney Bureau of Investigation
Rick Scott, Chief, City of San Luis Obispo Police Department
Brian Amoroso, Captain, City of San Luis Obispo Police Department
Rita Neal, County Counsel
Christine Dietrick, City Attorney, City of San Luis Obispo

ATTACHMENT "A"

San Luis Obispo County Sheriff's Office Case # 2105-036

EXHIBITS REVIEWED

1. San Luis Obispo Police Department Report No. 210508010 – Megan's Organic Market
2. San Luis Obispo Police Department Report No. 210508104 – Valero Gas Station
3. San Luis Obispo Police Department Report No. 210510006 – Tractor Supply
4. San Luis Obispo Police Department Report No. 210510007 – The Pad
5. San Luis Obispo Police Department "be on the lookout for" bulletin for Giron
6. San Luis Obispo Police Department Search Warrant Operations Plan
7. San Luis Obispo Police Department "check the welfare" report July 11, 2020
8. San Luis Obispo Police Department "check the welfare" report October 22, 2020
9. San Luis Obispo Police Department "suspicious circumstances" report October 22, 2020
10. San Luis Obispo Police Department "check the welfare" report January 8, 2021
11. Photographs of involved officer's persons, uniforms, and equipment
12. In-unit camera footage - Officer Hurni's vehicle
13. Body worn camera footage – Officer Hurni
14. Transcript of public safety statement of Officer Joseph Hurni
15. Audio of public safety statement of Officer Joseph Hurni
16. Report - Public Safety Statement of Officer Steve Orozco
17. Transcript of statement of Detective Marissa Womack
18. Audio of statement of Detective Marissa Womack
19. Transcript of statement of Detective [REDACTED]
20. Audio of statement of Detective [REDACTED]
21. Transcript of statement of Sergeant Aaron Schafer
22. Audio of statement of Sergeant Aaron Schafer
23. Transcript of statement of Officer Steve Orozco
24. Audio of statement of Officer Steve Orozco
25. Transcript of statement of Officer Joseph Hurni
26. Audio of statement of Officer Joseph Hurni
27. Transcript of statement of Officer Caleb McCornack
28. Audio of statement of Officer Joseph Hurni
29. Transcript of statement of Sheriff's Detective Rainer Bodine
30. Audio of statement of Sheriff's Detective Rainer Bodine
31. Transcript of statement of Sheriff's Sergeant Doug Scotto
32. Audio of statement of Sheriff's Sergeant Doug Scotto
33. Transcript of statement of Sheriff's Senior Deputy Spencer Garrett
34. Audio of statement of Sheriff's Senior Deputy Spencer Garrett
35. Transcript of statement of Sheriff's K-9 Deputy Andrew Mora
36. Audio of statement of Sheriff's K-9 Deputy Andrew Mora
37. Transcript of statement of Sheriff's Senior Deputy Mark Lewis

38. Audio of statement of Sheriff's Senior Deputy Mark Lewis
39. Audio of statement of Sheriff's Detective Greg Smith
40. Transcript of statement of Sheriff's Detective Greg Smith
41. Cell phone videos (4 videos)
42. Transcript of statement of [REDACTED]
43. Transcript of statement of [REDACTED]
44. Audio of statement of [REDACTED] (2 tracks)
45. Audio of statement of [REDACTED]
46. Transcript of interview of Confidential Witness
47. Audio of interview with Confidential Witness
48. CHP Multidisciplinary Accident Investigation Team (MAIT) report no. ML-013-21
49. Coroner's report no. 10195 – Luca Pietro Benedetti
50. Coroner's report no. 10196 – Edward Zamora Giron II
51. USDOJ Bureau of Alcohol, Tobacco, Firearms, and Explosives firearm trace report
52. Photographs of Sergeant Aaron Schafer's firearm
53. Photographs of Detective Marissa Womack's firearm
54. Photographs of Detective [REDACTED] firearm
55. Photographs of Officer Joseph Hurni's firearms
56. Photographs of Officer Steve Orozco's firearm
57. Photographs of Detective Luca Benedetti's firearms
58. CADOJ Bureau of Forensic Services Physical Examination Report no. SB-21-000488-0001
59. CA DOJ Bureau of Forensic Services Physical Examination Report no. SB-21-000488-0002
60. CA DOJ Bureau of Forensic Services Physical Examination Report no. SB-21-000488-0003
61. Audio of San Luis Obispo Police Department green channel radio communications
62. Transcript of San Luis Obispo Police Department green channel radio communications
63. Audio of San Luis Obispo County Sheriff's Office red channel radio communications
64. Transcript of San Luis Obispo County Sheriff's Office red channel radio communications
65. Timeline of the investigation
66. San Luis Obispo County Sheriff's Office investigative reports under case no. 210503699 (312 pages)