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**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO

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November 8, 2022

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

Sheriff Anthony Ray  
San Diego Sheriff's Department  
9621 Ridgeway Court  
San Diego, CA 92123

**Re: Fatal shooting of Mizael Corrales on February 19, 2022, by San Diego Sheriff's Department Detective Anthony Garcia; SDPD Case No. 22-602535; DA Special Operations Case No. 22-037PS; Deputy District Attorney assigned: Gregg McClain**

Dear Chief Nisleit and Interim Sheriff Ray:

We have reviewed the reports and other materials compiled by the San Diego Police Department's Homicide Investigations Division regarding the fatal shooting of Mizael Corrales by San Diego Sheriff's Department Detective Anthony Garcia on February 19, 2022. This case was submitted to the District Attorney's Office for review on May 20, 2022. The autopsy and toxicology reports were received October 31, 2022.

***Summary***

On February 19, 2022, San Diego Sheriff's Deputies were working a border operation in Otay Mesa. LE1 and LE2 were working in plain clothes in an unmarked San Diego Sheriff's Department (SDSD) vehicle equipped with a license plate reader (LPR). The deputies were driving through the strip mall parking lot when the LPR alerted on a stolen vehicle, a white Mercedes GLS450.

The vehicle was parked in a parking stall and was facing northeast. The deputies confirmed the license plate number and that the vehicle was in the system as stolen. LE1 and LE2 parked their vehicle nearby and called for a marked Sheriff's unit to assist.

Deputy Garcia and LE3 responded to the call for assistance driving a marked SDSD vehicle and wearing SDSD patrol uniforms. The stolen Mercedes was occupied by three individuals, later identified as Mizael Corrales (Driver), CW1 (rear driver's side) and CW2 (rear passenger side). The deputies approached the vehicle and gave commands for the occupants to exit the vehicle.

CW1 exited the vehicle and got on the ground pursuant to LE2's direction. LE1 forcibly removed CW2 and held him on the ground. The driver, Corrales was uncooperative and refused to exit the vehicle. The deputies opened the driver's door and attempted to remove Corrales.

Corrales rapidly backed up the Mercedes while Garcia and LE3 were at the open driver's door. The open door of the vehicle knocked the deputies to the ground and dragged them. The Mercedes collided with two parked vehicles. The Mercedes then accelerated forward and as it moved forward, Garcia fired his weapon. The Mercedes continued moving forward, ramming the marked sheriff's unit as well as the unmarked sheriff's vehicle.

Corrales was struck with gunfire and was pronounced deceased at 0932 hours. Corrales' autopsy revealed he sustained multiple gunshot wounds to his head, neck, shoulder, back, and left arm. The Medical Examiner's Office determined the cause of death was multiple gunshot wounds and the manner of death was homicide. Toxicological analysis of Corrales' blood revealed the presence of amphetamine, methamphetamine and cannabinoids.

#### ***Persons Involved***

Mizael Corrales was a 31-year-old resident of San Diego. Anthony Garcia has been a deputy with the San Diego Sheriff's Department for sixteen years.

#### ***Law Enforcement Witness One (LE1)***

LE1 was working a detail with LE2, LE3, Garcia and another sheriff's deputy. The detail consisted of patrolling San Diego County looking for narcotics related crimes as well as other crimes that came to their attention. LE1 and LE2 were patrolling in a vehicle equipped with an LPR (license plate reader). The plan was to go through all the parking lots looking for stolen vehicles. They drove into the 7- Eleven lot on Roll Drive and received a hit/alert on the LPR that a white Mercedes was a stolen vehicle. They confirmed the license plate was a match to their LPR hit/alert. They continued past the vehicle, turned around, and returned to the area of the white Mercedes.

LE1 saw a male driver (Corrales) in the white Mercedes who was talking to people outside the vehicle on the driver and passenger sides of the car. LE1 parked in a handicap parking spot with an unoccupied vehicle between them and the stolen vehicle. SDSA dispatch confirmed the vehicle was stolen. They waited for the marked SDSA vehicle occupied by Garcia and LE3 to respond. The marked unit drove into the parking lot and parked. LE1 did not see the deputies approach the Mercedes but heard them give commands for the occupants to get out of the vehicle.

LE1 exited the Jeep and walked around to the passenger side of the white Mercedes. The front passenger window was down, but the door was locked and LE1 could not get the door to open. She saw Corrales in the driver's seat and he was shaking. Corrales then rolled up the passenger side window on LE1.

LE1 backed out of the window and the rear passenger door opened. LE1 pulled open the door and contacted a male who had been seated in the right rear passenger side seat. The male started reaching into his waistband. LE1 grabbed the male by the head and pulled him out of the vehicle and onto the ground in case he had a weapon.

LE1 saw a female in the back left passenger side of the vehicle and told her not to move. Someone on the other side of the vehicle gave her commands and removed her from the car. She was walked to the passenger side of the car. LE1 told her to lay prone face down on the ground and she complied.

LE1 then heard the engine of the Mercedes revving. LE1 immediately thought the driver, Corrales, was going to attempt to flee while they were taking him out of the car. The car suddenly flew back at a high rate of speed and LE1 thought all three of her partners had been run over as she could not see them.

The Mercedes smashed into several parked cars about 20 feet away. LE1 could still hear the driver revving the car engine and shifting gears. The car started moving forward and LE1 heard approximately six or seven shots. LE1 heard the bullets go over her area. LE1 continued to lie on the ground and protect the male underneath her. The car then lurched forward and barely missed the female laying on the ground about five feet away from LE1. The car continued rolling forward and smashed into the unmarked vehicle.

LE3 helped LE1 handcuff the male she had detained. Additional deputies in marked units arrived on scene. She saw Garcia and LE2 drag Corrales out of the vehicle. Corrales was not breathing. Medics were requested. The deputies started CPR and continued until the medics arrived. LE1 saw a gunshot wound to Corrales' right temple and the right side of his neck. Corrales was pronounced deceased at the scene.

#### ***Law Enforcement Witness Two (LE2)***

LE2 and LE1 were working overtime and were in an unmarked vehicle equipped with an LPR. They were driving around the Otay Mesa area and turned into the parking lot on Roll Drive. A white Mercedes alerted on the computer as a stolen car. They drove past the Mercedes and came back around to confirm the status of the license plate. The license plate was run and it returned as stolen.

They parked in a handicap parking spot with one vehicle between them and the stolen Mercedes. They watched the Mercedes and called for a marked unit. When the marked unit arrived, the deputies walked up to the Mercedes. There was a male outside the car and LE3 addressed the driver (Corrales). Corrales wasn't being compliant with LE3's commands to him.

LE2 walked up to the vehicle, identified himself and opened the driver's door and told Corrales to exit the vehicle. Corrales did not exit the vehicle. LE2 grabbed hold of Corrales' left arm and tried to pull him out of the vehicle. LE2 used all his strength and physical force including a punch and a kick to Corrales' body to try and get Corrales out of the vehicle.

LE3 tried to help LE2 pull Corrales out of the vehicle. LE2 heard the vehicle's engine revving. He now knew the vehicle was on. The driver resisted, but never said a word. LE3 had a hold of Corrales right arm and LE2 had a hold of his left arm. LE2 thought Corrales kept trying to reach for something to the right side of the steering wheel.

Garcia walked up and was at the front side of the driver's door. Garcia told LE2 and LE3 to disengage with Corrales. LE2 let go, but LE3 did not. LE2 started to move back at the same time a female exited the driver's side rear passenger seat. LE2 grabbed her, moved her away from the car and told her to get down on the ground. LE2 got the female onto the ground and was about to handcuff her when he saw the Mercedes started to backup.

LE3 and Garcia were still inside the driver's door area when the vehicle started backing up. The two detectives moved back with the vehicle, but then Corrales sped up and the open driver's door knocked them both over. The Mercedes struck two cars that were behind it and to the right.

LE2 heard the vehicle's engine revving again. The vehicle was pointed right at LE2 and the female he had pulled out of the car. LE2 thought he was going to get run over. The vehicle started coming forward and Garcia shot. LE2 started to pull out his gun. He and the female were able to move out of the way without being hit. He one hundred percent believed the vehicle was coming right at them.

The female crawled out of the way as the vehicle moved forward. The vehicle missed the female by about five feet. LE2 felt if Corrales had hit the gas in the vehicle instead of being shot, he and the female would have been hit. The female would have certainly been "squished." She barely got out of the way.

LE2 thought Corrales was deceased in the vehicle as it went forward. The vehicle struck the unmarked Jeep. LE2 told the female to stay put on the ground and he went with Garcia to contact the driver. Garcia pulled Corrales out of the vehicle, and it looked to LE2 that Corrales had obvious signs of death. LE2 checked Corrales and was unable to find a pulse. LE2 started CPR with LE1 until the medics arrived on scene.

***Law Enforcement Witness Three (LE3)***

LE3 and Garcia were working the detail and were together in a marked San Diego Sheriff's vehicle. LE3 and Garcia drove into the lot to make contact with the stolen vehicle. LE3 noticed there was a gentleman standing at the driver's side door.

LE3 and Garcia exited their vehicle and contacted the driver of the stolen vehicle. LE3 told the driver, later identified as Corrales, to keep his hands up where he could see them. Corrales initially complied, but then he put his hands down. LE3 again told Corrales to keep his hands where he could see them.

LE1 contacted the two passengers in the back seat and Garcia contacted the person standing outside the driver's side door. LE2 came over and assisted LE3. They opened the driver's door and ordered Corrales to get out. He didn't comply and reached over to try and push a button or something. LE3 thought the driver was trying to put the vehicle into gear. He heard the vehicle engine rev.

LE3 grabbed Corrales by the collar and the right hand and tried to pull him out of the car. Garcia yelled at LE3 and LE2 to get out of the doorway. LE3 lost the grip he had on Corrales' right arm. Corrales was then able to put the car into gear. He heard the engine rev and the next thing he knew he was on the ground.

When the vehicle backed up, LE3 believes the door hit them. As LE3 was getting up, he heard the car engine rev again. LE3 heard the engine still revving and saw it move forward and LE2 was in front of the vehicle. LE3 heard shots fired by Garcia and the car ended up plowing forward and crashed into the unmarked vehicle. LE2 and Garcia pulled Corrales out of the car and started doing chest compressions on him.

LE3 learned Garcia took LE2's spot and tried to help him pull Corrales out of the car. LE3 was so focused on getting Corrales out of the vehicle, he did not know Garcia and LE2 had switched positions. LE3 and Garcia were knocked down by the impact of the inside of the door as it went backwards and they may have been dragged a little bit.

LE3 tried to prevent Corrales from driving off, "I felt he was going to run us over. That's what was going through my mind. I thought he was going to run us over." LE3 did not know if he drew his gun or not. LE3 did not turn on his BWC until he went to assist LE1 handcuff one of the passengers.

***Statement of Civilian Witness One (CW1)***

CW1 smoked methamphetamine which was possibly laced with fentanyl the night before. After smoking she didn't feel well. They got into the car in San Ysidro sometime after midnight. CW1 sat behind the driver and CW2 was next to her. CW1 didn't know why they were parked where they were. "Old boy" and CW2 were nodding out, and CW1 fell asleep in the car too.

CW1 said, "I woke up to everything going on. I didn't know what the freak to do." There were four people trying to pull the driver out of the car and she didn't know what was going on. They were giving commands for the guy to get out of the car. LE1 was yelling at CW2 to keep his hands out of his waistband and to get out of the car. LE1 told her to get out of the car also. She did not know what was going on.

The car rolled back and hit cars. The guy on her got off her. She wasn't sure if it was because the car was rolling, or shots were fired. She was told not to move. The car started rolling her way after the gunshots were fired. She had to move out of the way because the car started coming at her faster.

CW1 heard four or five shots initially and then she heard two or three more. They got back on her after she moved out of the way of the vehicle. CW1 did not see a weapon in the car.

***Statement of Civilian Witness Two (CW2)***

CW2 is married to CW1 and has known the guy for two years and doesn't know what happened. He referred to him as a "raitero" (Spanish slang, for someone who gives people rides). He was supposed to give them a ride to San Ysidro.

CW2 said someone came and grabbed him from the neck. A female came to the vehicle and said they were the police and to open the door, so he did. He did not know what was going on. The guys were pulling on the head of the guy when he put it in reverse. The female pulled him out and told him to get on the floor. He asked what happened and was told not to say anything.

He heard gunshots. He saw the "raitero" turn the car towards the front (exit). CW2 saw CW1 on the other side of the Mercedes Benz on the floor too. CW2 further stated, "he just going to the front, and he almost passed (ran) over us. Somebody pulled him out and he was bleeding.

They were just going to get a ride. CW2 did not know he was going to drive to where they were this morning. CW2 was in the rear passenger side seat. CW1 was next to him. This guy was in the driver's seat, and no one was in the front passenger seat. CW2 has not seen him in the white SUV before. He has seen him in different cars. CW2 exited the white SUV right before he put the vehicle into reverse.

CW2 saw three officers reaching into the car and grabbing him. When he went forward in the white SUV, he thought he was going to pass over him, CW1 and the police officers. CW2 feared for his own life, CW1's and the officers because they were on the floor. If they didn't move, the car was going to pass over them.

He moved and screamed to CW1 to move and let the car pass through. The car passed very close to them. He saw the car crash and the driver was still fighting with an officer. The officer opened the door and took the driver out and onto the floor. He was bleeding.

***Statement of Civilian Witness Three (CW3)***

CW3 arrived in the parking lot at about 9am. The white Mercedes Benz was already parked there. CW3 backed his vehicle into a parking spot right next to the white Mercedes Benz SUV which was parked on his passenger side. He saw two people inside the white Mercedes Benz vehicle. A male passenger was trying to sell clothes to anyone walking around there.

A Sheriff's Deputy pulled behind the white Mercedes Benz. A male deputy approached the driver of the white Mercedes Benz and said, "Let me see your hands, put your hands up." CW3 saw the driver's door was open and the deputy was fighting with the driver for a minute or two. The deputy was standing between the door and the driver and was trying to turn the vehicle off. He told him, "Turn it off, turn it off, turn it off."

The driver of the white Mercedes Benz started to rev the engine and tried to put it in reverse. The car was moving. A female deputy wearing a black shirt and jeans and a law enforcement badge hanging from a string went to the passenger side back door of the car and got the second suspect out of the white Mercedes Benz. He was thrown to the ground and arrested.

The driver of the white Mercedes Benz went backwards and hit two vehicles. The male officer was trying to turn off the engine. The driver of the Mercedes Benz hit the deputy/officer when he backed up the vehicle. The deputy jumped back, pulled out his weapon and fired several rounds. He was about three to four feet away from the driver. (10-foot estimate by the interviewer).

The female deputy was down on the ground with the other suspect. CW3 exited his vehicle and ducked down behind his car for ten to fifteen seconds. He did not move his car. The Mercedes Benz driver then went forward and hit the car parked in the handicap space. CW3 saw the officers were trying to save him. They got him out of the car and did CPR.

CW3 heard a total of eight-to-ten-gun shots during the incident. CW3 saw a third passenger, a blond female from the white Mercedes Benz. He did not see where she came from. He did not notice her until after everything had happened.

He did not see the deputy fall to the ground. The vehicle crashed into the two cars, the deputy fired his weapon and then the vehicle drove forward. The vehicle's engine was revving, it was trying to get away. The driver's door was closed. He did see the deputy roll, ducking from the gunshots. Everybody was yelling.

The deputy was standing on the driver's side in front of the vehicle when he fired at the driver. The vehicle continued straight and would have struck the deputy. CW3 doesn't know his name (the driver) but has seen him twice before. CW3 fears for his life, and it is hard for him to be a witness. CW3 went on to say that from the witnesses' perspective the deputy's life was in danger when the deputy shot Corrales.

### ***Other Civilian Witnesses***

Several other civilian witnesses provided statements similar to what the previous civilians reported. The witnesses indicated that the deputies contacted the driver of the white Mercedes SUV. The deputies were telling the driver to get out of the car and he did not comply. They struggled with him. The witnesses heard the vehicle engine revving. The vehicle went in reverse and a deputy may have been struck by the driver's side view mirror. The vehicle struck two cars and then went forward. The witnesses heard gunshots. One witness actually saw the deputy fire at the driver's window of the vehicle when the vehicle started moving forward. When the vehicle stopped, the driver was pulled from the vehicle and given CPR by the deputies.

***Statement of Detective Anthony Garcia***

Garcia was working the detail in the Otay area. Garcia was the passenger in a marked SDDS vehicle driven by LE3. He wore a uniform consisting of a black polo shirt with SDDS patches on the sleeves, green pants, a gun belt and a green tactical vest with the star, his name, and the word SHERIFF in yellow on the front and back.

They received word from LE1 and LE2 about an occupied stolen Mercedes vehicle. LE3 stopped the marked unit near the stolen vehicle but did not block it in the parking stall. LE3 exited their vehicle and contacted the driver of the Mercedes SUV with LE2. Garcia went around the back of the marked unit and approached the driver's side of the white Mercedes. The driver was not complying with LE2's commands. He was resisting and pushing back. Garcia heard the vehicle engine rev. He knew the driver was actively trying to get out of there with the vehicle. He just hadn't been able to put it in gear. Garcia saw LE2 and LE3 trying to extract the driver from the car.

Garcia knew it was a dangerous position for the two detectives. It could be a fatal situation. If the driver could put the vehicle into reverse with the car door open, the detectives could get pulled and potentially run over or pinned against another car. The same could happen if the vehicle went forward into the store. Garcia was behind LE2 and LE3 and focused on the driver. He was shocked the driver wasn't cooperating. Garcia was also trying to get his BWC turned on and recording.

LE2 and LE3 gave the driver commands and he continued to not cooperate. Garcia pulled out his weapon for lethal coverage and moved to the front of the vehicle so he could clearly see the driver. Garcia did not try to use any other force options because LE2 and LE3 were there inside the car door. Garcia yelled at LE2 and LE3 to get away from the open door of the vehicle. If the driver reversed, he would take them with him. Garcia could still hear the engine revving. He knew the driver's foot was still on the accelerator. He couldn't take lethal force then because LE2 and LE3's heads were there.

He still had his weapon out and wanted to make sure the driver knew he had a gun aimed at him. He hoped the driver would comply when he saw it. He also wanted to get LE3 away from the door of the vehicle. If he had gotten LE3 away from the vehicle and it went in reverse they would just pursue the driver.

As soon as Garcia got around to the other side of the white Mercedes, it went into reverse. He and LE3 were hit by the car door. Garcia was knocked down and felt the driver was trying to kill them. He was close to being run over. He didn't know if LE3 was run over or not. He did not know where LE3 or the white Mercedes were while he was on the ground. He stood up and looked for the threat. The vehicle was in front of him. Garcia knew the driver hit other parked cars and was going to put the vehicle into drive next. Garcia felt the driver was aiming right at him and was going to run him over. LE2 and LE3 were also right there.



The vehicle was about ten to fifteen feet in front of him when he started using lethal force. Garcia described the driver as being active, aggressive, assaultive and not caring. He was causing chaos and havoc trying to get out of there. Garcia did not give any commands to the driver. They had already tried and the driver did not comply. Garcia felt there was no time to do anything else except stop the immediate threat to him and the others. When Garcia looked at the car, it was still on, the driver didn't have his hands up, the engine was revving, and he already tried to kill Garcia and LE3. "That's why I used lethal force at that time." Garcia began firing and didn't know if the driver turned or he stepped out of the way.

The vehicle was now in drive and moving forward. Garcia felt the driver was trying to kill them. He started to shoot through the windshield. The vehicle continued to move forward past him. Garcia looked at the driver and the driver looked at him as he fired his weapon. It didn't appear to have an effect. He could not see a change in the driver. He did not slump over. Garcia felt he had to stop the driver because he was going in the direction of LE3. He had to stop the threat.

He was initially shooting low and the vehicle continued moving forward. He raised his aim towards the driver's head to try and stop the threat. Garcia felt the driver was trying to kill them. Garcia stated, "I had to do what I had to do, you know?" He stopped shooting at the vehicle because he didn't want to shoot towards LE2 and LE3. The threat didn't stop, but he couldn't safely shoot any more. Garcia felt the driver had no regard for anyone's life, but his own. There were many citizens in the area. The car crashed again into other cars and the engine was still revving. He thought the driver was going to put it in reverse again. Garcia went to the car to assess things. He saw the driver slumped over with a fatal injury and had to pull the drivers foot off the accelerator to stop it. The driver was removed from the vehicle and an ambulance was requested. Medical aid was provided to him until the medics arrived and took over.

### ***Investigation***

The scene was secured, photographed, and investigated by SDPD homicide detectives. All reports, audio-recorded officer and witness interviews, calls, radio traffic, photographic evidence, cellphone, security, and body worn camera (BWC) video were reviewed.

Garcia's firearm, a department-issued Glock 17 Gen 5, 9mm semi-automatic pistol was examined. Garcia's pistol was received with one cartridge in the chamber and four in the magazine. The capacity of the magazine is seventeen cartridges. The total capacity of the pistol with one in the chamber and a full magazine is eighteen cartridges. The evidence indicated a maximum of thirteen cartridges could have been fired by this pistol. Only 12 cartridge casings were recovered.

A firearm in a paper bag was located on the driver's side floorboard of the Mercedes. A black and silver colored Kimber 1911 .45 caliber ACP handgun with serial number K802480 with a seated Wilson Combat firearm magazine was recovered. The magazine contained six Federal 45 Auto cartridges.

Garcia was taken to a hospital and treated for a laceration and an abrasion to his left elbow. He received two stitches in his left elbow. He had neck, shoulder, elbow, arm, heel, and hip pain on his left side. LE3 was treated at urgent care in Chula Vista for the abrasions to his right arm, elbow, and both of his knees. LE2 had an abrasion to the inside of his left thumb and a "stiff" right thumb.

### ***Video Evidence***

Surveillance videos were recovered from businesses that are adjacent to the strip mall parking lot where the shooting occurred.

### ***Baja-Mexican Exchange Camera's 12***

The white Mercedes SUV is in a parking stall in the upper left corner of the screen. There is constant vehicle and pedestrian traffic in the parking lot. The unmarked sheriff's Jeep drives through the parking lot from left to right and circles back. It stops briefly to the rear of the white Mercedes SUV, then turns left and goes out of view.

Approximately five minutes later LE3 is seen approaching the driver's side of the Mercedes. LE1 walked around to the passenger side of the vehicle. The vehicle started to roll back. The driver's door is open, and activity can be seen there. LE1 opened the rear passenger door, pulled CW2 out, threw CW2 to the ground and then got on top of CW2.

The rear driver's side door opened and CW1 is pulled out of the vehicle. The Mercedes accelerates backwards at a high rate of speed. Garcia and LE3 are seen getting knocked to the ground. The Mercedes slammed into two parked cars.

Garcia is seen pointing his weapon at the vehicle. LE1 is still in the same position on top of CW2. Garcia got back on his feet with his weapon in his right hand. He fired his weapon one time and the windshield shatters. He was about ten feet in front of the vehicle. As the vehicle began to move forward, Garcia moves closer to the driver's door area continuing to fire his gun at very close range into the driver's seat area. Garcia moved alongside the vehicle as it moved forward and continued to fire into it. Garcia went out of view behind a green utility box.

LE3 is seen standing near the green utility box as the white Mercedes continued forward out of view. LE1 is still on the ground on top of CW2. Garcia walked to the left in the direction the Mercedes as it traveled out of view.

### ***Maribella's Cam 2***

The white Mercedes is seen reversing at a high rate of speed entering the camera view from the right side. Several pedestrians are nearby. As the vehicle passes by, the passenger side rear door is open. Garcia is seen standing up and pointing a gun in the direction of the Mercedes as it went out of view. LE3 is seen near a green utility box. The Mercedes went slowly forward in and out of view. Garcia is seen holstering his weapon after the vehicle went past him. Both deputies walked in the direction of the Mercedes.

### ***Mi Ranchito 1***

The unmarked sheriff's Jeep is visible in a parking space. The white Mercedes is partially in view in the upper left portion of the video. A person is seen standing outside the driver's side of the Mercedes.

LE1 and LE2 exited the unmarked vehicle. LE3 approached the driver's side of the Mercedes. They opened the driver's door and the vehicle started to move backwards. The vehicle moved again slightly to the rear. A deputy is seen struggling with the driver of the vehicle. Garcia is at the front driver side corner of the vehicle. The vehicle's horn sounds as the struggle continues. Garcia moved from the front corner of the vehicle to behind the door with LE3 just as the vehicle accelerated in reverse. The vehicle went out of view, but several gunshots can be heard.

### ***Mi Ranchito 2***

The camera angle is similar to Mi Ranchito 1. The Mercedes is not in view. Gunfire is heard. The unmarked sheriff's vehicle is struck on its passenger side and pushed out of its parking spot.

### ***Personal Cellular Phone Videos***

CW5 provided three short videos taken by unknown witnesses. One video shows deputies at the open driver's side door prior to the shooting as the vehicle begins to back up. There are two short videos of the scene after the shooting. The first shows Garcia removing Corrales from the driver's seat of the vehicle and placing him on the ground after the shooting. The second video shows Corrales on the ground after being removed from the Mercedes.

### ***Body Worn Camera (BWC)- Garcia***

Garcia is standing at the front driver's side corner of the white Mercedes SUV. The camera view is back towards the driver's area of the vehicle. The driver's door is open, and a deputy is seen struggling with the driver of the vehicle. The deputy is telling the driver to "Get out, get out." The car's horn is heard. Garcia yells at LE3 to get away from the car. Garcia has his handgun in his left hand and he goes around the open driver's door. The driver's side rear passenger door is also open. Both Garcia and LE3 are knocked backwards onto the ground. Garcia still has his handgun out.

Garcia got back up on his feet and shifted his handgun to his right hand and fired a shot in the direction of the Mercedes. The Mercedes backed at a high rate of speed crashing into a silver car and is in front of him to his left. Garcia shifted his handgun back to his left-hand and fired eleven additional rounds at very close range into the driver's seat area of the car. Garcia moved slowly alongside the Mercedes firing his weapon as it went by him. LE3 is seen to his left standing near the curb. LE2 is standing over CW1 who is lying on the ground and they are in the path of the Mercedes. The Mercedes collided with the marked Sheriff's vehicle and then continued forward. LE1 can now be seen lying on top of CW2 on the ground on the other side of the vehicle.

LE2 and CW1 moved out of the path of the white Mercedes SUV. The vehicle collided with the unmarked Sheriff's vehicle and stopped. LE2 drew his weapon from his holster and pointed it at the driver and yelled, "Get out, get out." LE2 opened the driver's door of the vehicle, the engine started to rev, and Garcia is heard saying, "He's dead." Garcia walked up and pulled Corrales' foot off the vehicle's accelerator and pulled him out of the car onto the ground just outside the driver's door. LE1 can be heard yelling, "Get on your stomach, hands out."

Garcia requested an ambulance. LE2 checked Corrales for a pulse. Garcia said 'he is gone, shots to the head.' Garcia approached a group of people who were recording with their cell phones and said they had to stay, and their phones would need to be collected. The group dispersed. LE2 and LE1 started doing CPR/chest compressions on Corrales. Garcia continued to walk around. LE1 did chest compressions.

### ***Body Worn Camera - LE3***

LE3's BWC video was turned on after the shooting. The majority of the BWC video is similar to Garcia's BWC video. He has custody of CW2 and placed him in the back of a marked unit. SDFD stopped providing medical aid and placed a yellow sheet over Corrales. LE1, LE3 and Garcia walked over to an ambulance to get checked for injuries. LE3 talked to LE2 about the fall he took. LE3 said, "We definitely fell pretty hard."

### ***Autopsy/Toxicology***

An autopsy of Corrales determined he had sustained gunshot wounds to the back of his head, the right side of his neck, left shoulder, left upper back, and two to the left arm. The cause of death was multiple gunshot wounds. The manner of death was homicide. Toxicological analysis of Corrales' blood revealed the presence of 0.12mg/L methamphetamine and 1.0 mg/L amphetamine. Cannabinoids were also detected.

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

Penal Code section 835a(c) sets forth the standard to evaluate a peace officer's use of deadly force and the circumstances upon which an officer may use such force. The law provides, in part, 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 for the following reasons:

"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).

"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 person unless immediately apprehended..." Penal Code section 835a(c)(1)(B).

"A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe that person does not pose

an imminent threat of death or serious bodily injury to the peace officer or to another person.” Penal Code section 835a(c)(2).

“Deadly force” means 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).

“A threat of death or serious bodily injury is “imminent” when 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.” Penal Code section 835a(e)(2).

“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).

“Totality of the circumstances” means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.” Penal Code section 835a(e)(3).

“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).

“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).

### ***Conclusion***

Mizael Corrales was in the driver's seat of a reported stolen vehicle when he was contacted by sheriff deputies. Corrales refused their commands to get out of the vehicle and actively resisted being pulled from the vehicle. Corrales drove the vehicle backwards in an attempt to flee. The vehicle struck Garcia and another deputy. The vehicle continued backwards and collided with two cars. Corrales then drove forward toward Garcia and the other deputies. Garcia fearing an

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imminent threat of serious bodily injury or death to himself and others fired multiple rounds to stop the threat.

Reviewing the evidence and considering the totality circumstances, Garcia reasonably believed that Corrales, in his attempt to flee, posed an imminent threat and intended to cause serious bodily harm or death to Garcia, other deputies and bystanders. Less lethal alternatives were not feasible or safe against the immediate and lethal threat posed by Corrales. Therefore, Garcia bears no state criminal liability for his actions. A copy of this letter, along with the materials submitted for our review, will be retained for our files.

Sincerely,

  
SUMMER STEPHAN  
District Attorney

cc: Captain Richard Freedman