



NEWS RELEASE

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VENTURA, California - District Attorney Gregory D. Totten announced the conclusion of the District Attorney's review of the circumstances surrounding the October 13, 2012, shootings of Alfonso Limon, Jr., Justin Villa, and Jose Zepeda, Jr., by Oxnard Police Officers Jess Aragon, John Brisslinger, Ryan Lockner, Ernie Orozco, Matthew Ross, Rocky Marquez, Zachary Stiles, Don Ehrhardt and Pedro Rodriquez.

The full report, authored by Senior Deputy District Attorney Christopher Harman, is available on the Ventura County District Attorney's Web site ([Limon Villa Zepeda OIS Report](#)).

On the evening of October 13, 2012, Mr. Limon unwittingly walked into the middle of a running gun battle initiated by Jose Zepeda, Jr., a felon and wanted parolee. Mr. Limon was in every sense an innocent victim who was helpless to prevent the extraordinary and unfortunate circumstances that coalesced that evening to cause his untimely death.

The report concludes that Mr. Limon's tragic death was a result of the actions of Jose Zepeda, Jr., when he initiated a violent running gun battle with officers who returned fire in lawful self-defense and defense of others. In trying to protect the community, officers were not aware that, as the shooting began, Alfonso Limon, Jr., and his brother, Gerardo Limon, innocently and unknowingly walked into the line of fire. Once Mr. Limon had been shot in the legs and fallen to the ground, his location, clothing, and naturally defensive motions caused some officers making split-second decisions in the line of fire, to erroneously conclude that he was one

of the fleeing suspects who had been shooting at them. Based on the information available for review, the District Attorney's investigation, and the applicable legal authorities, it is the opinion of the District Attorney that the shooting of Alfonso Limon, Jr., although extraordinarily tragic, was legally justified and not a criminal act. The fatal rounds were fired by police officers who returned fire only after being shot at themselves by Jose Zepeda, Jr., thus acting in defense of themselves, their fellow officers, and other residents.

It is also the opinion of the District Attorney that the shooting of Jose Zepeda, Jr., and Justin Villa were legally justified and were not criminal acts.

The role of the District Attorney in reviewing any officer-involved shooting is to determine whether the officer's use of force was lawful. The scope of the District Attorney's review was thus limited to a determination of whether the shootings of Alfonso Limon, Jr., Justin Villa, and Jose Zepeda, Jr., were justified and, if not, whether criminal charges should be filed.

The review included more than 5,000 pages of reports and documents, transcripts of interviews of police and civilian witnesses, diagrams, photographs, video recordings, numerous recorded interviews, recordings of radio transmissions, examination of the scene of the shooting and consultation with a use of force expert. All nine officers involved in the shooting gave voluntary interviews about their actions during the shooting.

During the review of this incident, the District Attorney retained a police tactics expert to independently review the facts surrounding the shootings and the tactics utilized by responding officers. The report of the expert consulted, George T. Williams, has been incorporated into the District Attorney's report and is attached thereto.

The District Attorney has forwarded copies of the entire file to the California Attorney General and United States Attorney and invited an independent review the shootings.

On Tuesday, July 8, 2014, Rafael Hernandez and Justin Villa were arraigned on charges filed by the District Attorney for their participation in the vehicle pursuit and running gun battle which led to the deaths of Alfonso Limon, Jr., Jose Zepeda, Jr., and the shooting of Justin Villa. The charges filed include:

- carrying an unregistered and concealed firearm in a vehicle, a felony [count 1, PC 25400(a)(1)]
- being a felon in possession of a firearm, a felony (as to Villa only) [count 2, PC 29800(a)(1)]
- conspiracy to commit the crime of evading a peace officer with willful disregard, a felony [count 3, PC 182(a)(1) and VC 2800.2]
- conspiracy to commit the crime of resisting and delaying a peace officer, a felony [count 4, PC 182(a)(1) and PC 148(a)]
- being in possession of a firearm after being convicted of two prior offenses within ten years, a felony (as to Hernandez only) [count 5, PC 29805]

Thirty-six distinct overt acts are alleged as to have been committed in furtherance of these conspiracies.

Lastly, it is alleged that both defendants committed all five of these offenses for the benefit of and in association with a criminal street gang.

Both defendants remain in custody. Bail has been set at \$275,000 for Villa and \$150,000 for Hernandez.

An early disposition hearing has been scheduled July 17, 2014, and a preliminary hearing on July 21, 2014.

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