

**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF VENTURA
March 3, 2011**

**REPORT ON THE FATAL SHOOTING
OF TIMOTHY CHACON
BY OXNARD POLICE OFFICER ZACHARY STILES
ON MAY 24, 2010**

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District Attorney**

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INTRODUCTION

On May 24, 2010, at approximately 5:09 a.m., Oxnard Police Department received a call of a commercial burglary alarm at a store called the Pro-Shop located at 3481 West Fifth Street, Suite 120, in Oxnard. The Pro-Shop is a vehicle customization business and it had been burglarized on several prior occasions. In addition, there had been several other recent burglaries at other businesses in the area. Officers Michael Bocanegra and Zachary Stiles responded to the call. The two officers arrived at the scene simultaneously. Officer Stiles went to the back of the building and confirmed that the rear access points were secure. Officer Bocanegra remained in the front of the business where he noticed that one of the small windows on the front of the shop had been broken. He relayed this information to Officer Stiles who maintained his position at the rear of the business. Officer Bocanegra radioed for backup so that a search of the building could be done.

While he was standing behind the business, Officer Stiles heard noises coming from inside the business that were consistent with someone attempting to open the rear door. Suddenly the rear door to the business opened. Officer Stiles observed a male subject in the doorway with a bandana-type object covering his face. Officer Stiles illuminated the subject with his flashlight and pointed his handgun at the suspect. He identified himself as a police officer and began to direct commands at him. The suspect did not comply and returned inside the business. Officer Stiles radioed this information to Officer Bocanegra. Officer Bocanegra looked inside the shop and saw a male subject, later identified as Timothy Chacon (DOB 2/4/79), running inside the business towards the front entrance area. Officer Bocanegra turned on his flashlight, pointed his

firearm at the suspect, and ordered him not to move. The suspect appeared startled and fled back towards the rear of the business. Officer Bocanegra could not see the subject's hands; thus, he could not tell whether he was armed.

Officer Stiles changed his position so that the suspect would not know where he was, and a short time later the door opened a second time. Again the suspect looked out of the door and was illuminated by Officer Stiles' flashlight. Officer Stiles once again identified himself as a police officer and directed him to stop. The suspect again had his face covered by a cloth object. Once again the suspect failed to comply with the instructions being given to him. He returned to inside the business and closed the door again. Once again Officer Stiles changed positions. The door opened a third time and Officer Stiles noticed that the suspect no longer had the cloth covering his face. The suspect peeked out the door but then closed the door again and stayed inside. Officer Stiles once again repositioned himself, and then moments later, the suspect opened the door rapidly and charged towards Officer Stiles. Officer Stiles did not know if the suspect was armed and he feared for his safety. He shot at the suspect one time and hit him in the upper right chest. Chacon immediately fell to the ground where he lay prone. Officer Bocanegra heard the shot being fired and ran to the rear of the business to assist Officer Stiles. Officer Stiles told the Oxnard police dispatcher that shots had been fired and that an ambulance was needed.

Officer Bocanegra arrived at the rear of the business where he saw Chacon lying prone. He waited for the arrival of the other officers. He and the other officers checked the business for other subjects and found no one else in the building. Oxnard Fire Department and ambulance personnel arrived and Chacon was pronounced deceased at approximately 5:35 a.m.

Dr. Janice Frank, Assistant Medical Examiner for Ventura County, did the autopsy on Chacon. She found that he died from a single gunshot wound to the chest. An analysis of a blood sample taken during the autopsy showed the presence of methamphetamine, benzodiazepines and cannabinoids.

The District Attorney's Office has a 24-hour on-call officer-involved shooting team available to all Ventura County law enforcement agencies to assist in the investigation of officer-involved shootings. Oxnard Police Department notified District Attorney Chief Investigator Rob Briner. Chief Briner assigned District Attorney Investigators Robert Coughlin and Thomas Rigali to respond to the scene to consult with investigating officers. Senior Deputy District Attorney Stacy Ratner (who authored this report) also responded to the shooting scene and consulted with the investigating officers.

The Oxnard Police Department conducted a detailed investigation of the shooting, which included interviewing witnesses, collecting physical evidence, photographing the area of the shooting, and conducting interviews with the involved officers, Michael Bocanegra and Zachary Stiles. The Oxnard Police Department investigation reports were then submitted to the District Attorney's Office for a determination of whether the shooting of Timothy Chacon was justified, and if not, whether criminal charges should be filed. The scope of the District Attorney's review was limited to those issues.

The District Attorney's review included studying over 500 pages of reports, documents, interviews of police and civilian witnesses, diagrams, photographs, audio recordings, records of radio transmissions, and visits to the scene of the shooting.

After a complete review of all of the evidence, it is the conclusion of the District Attorney that Officer Zachary Stiles acted lawfully when he shot Timothy Chacon, and Chacon's resulting death was a justifiable homicide.

STATEMENT OF FACTS

The District Attorney's review of the facts indicates the following:

Statement of Officer Zachary Stiles

Officer Stiles began his work shift on Sunday, May 23, 2010, at approximately 6:00 p.m. He was functioning as a one-person patrol unit and had been assigned to patrol a beat in the south part of Oxnard. Prior to being dispatched to the alarm call at 3481 West Fifth Street, the evening had been uneventful.

He and Officer Bocanegra were in the area of Third Street and Oxnard Boulevard when they were dispatched to an audible alarm call at the Pro-Shop business. Officer Bocanegra was also functioning as a one-person patrol unit. Officer Stiles drove westbound on Fifth Street and he noticed Officer Bocanegra was directly behind him as he passed through the intersection of Fifth Street and Ventura Road.

Officers Stiles and Officer Bocanegra arrived simultaneously at the parking lot of the business. Officer Stiles followed Officer Bocanegra's lead as he appeared to be more familiar with the area. Officer Bocanegra stopped his vehicle in the parking lot east of the Pro-Shop business and Officer Stiles parked his vehicle near the southwest corner of the building, just west of the business.

Officer Stiles walked to the rear of the business, which was on the north side of the building, leaving his police vehicle near the southwest corner of the building. Officer Stiles checked the rear door of the business and found it to be locked. Officer Bocanegra then told Officer Stiles that he had located a broken window at the front of the business. Officer Stiles had not yet removed his service weapon from its holster.

While waiting for other officers to arrive, Officer Stiles heard noises from inside the business while standing near the roll-up garage door of the business. He became concerned about the lack of cover in the area. Officer Stiles took a position west of the rear door of the business at a point he estimated to be between five and ten yards away from the hinges of that door.

While standing along the wall and west of the door, he saw the door open. Officer Stiles removed his service weapon from his holster and pointed it and his lighted flashlight towards the door. Officer Stiles saw a male, later identified as Timothy Chacon, wearing what he described as a handkerchief around his face, start to exit the business. Officer Stiles said, "Oxnard Police Department. Let me see your fucking hands." Officer Stiles made eye contact with Chacon who immediately retreated back into the business and closed the door. Officer Stiles again ordered

the male to come out of the business with his hands up. Chacon failed to comply with Officer Stiles' orders. Officer Stiles did not know if there was more than one person in the business. Officer Stiles was positive that Chacon had made eye contact with him prior to retreating back in the business and locking the door. Officer Stiles notified Officer Bocanegra about the person in the business.

Officer Stiles moved to a position east of the door after the male had retreated back into the business and closed the door. He changed his position so that he could maintain an advantage over Chacon who would not immediately know where he was standing when the door opened again. Officer Stiles did this because he had no available cover and was trying to protect himself in case Chacon had a gun and was going to shoot at him. A short amount of time passed and Chacon again opened the door. Officer Stiles again ordered him to come out of the building with his hands up. Chacon again failed to comply with Officer Stiles' orders and closed the door after retreating back into the building. Officer Stiles saw that Chacon was still wearing what he believed to be bandana around his face.

Officer Stiles moved a third time to a different position. Chacon opened the door a third time and Officer Stiles saw that Chacon was no longer wearing the bandana on his face. Officer Stiles again ordered Chacon to slowly come out of the building and show him his hands. Chacon again retreated and closed the door.

Officer Stiles moved again and thought he was approximately 10 yards north and east of the pedestrian door when the door opened a fourth time. This distance was later determined to be

approximately 10 feet north and east of the door. Officer Stiles saw Chacon as the door opened rapidly and he immediately ordered Chacon to come out of the building slowly and show his hands. Instead of complying with the officer's orders, Chacon charged and ran at the officer. Officer Stiles told investigators, "The door flies open and he comes running at me." Stiles fired his weapon one time at Chacon as he was advancing on Officer Stiles.

Officer Stiles knew that Chacon was aware that he was just outside the door. Officer Stiles said he never had the opportunity to see Chacon's hands and did not know if he was armed with a weapon. Officer Stiles only knew that Chacon was charging towards him. Officer Stiles had given instructions to Chacon on several occasions and besides failing to comply with those orders, Chacon did the opposite of what he had been told to do. He believed that Chacon knew that he had his weapon pointed at him because every time he peeked out the door, Officer Stiles was pointing the gun at him. Officer Stiles did not know if Chacon was going to get his service weapon or was going to hurt him. All he knew was that Chacon was charging directly at him, and he felt like his life was in danger.

Officer Stiles said that Chacon could have run out the door in a westerly direction without running directly at him. That is one of the reasons he believed Chacon was trying to attack him. Officer Stiles described Chacon's charging movement as a "full sprint."

Officer Stiles immediately notified the Oxnard police dispatcher that gunshots had been fired and that Chacon had been shot. Officer Stiles stated that he was close to Chacon when the shot had

been fired. He estimated that he and Chacon were within a couple of feet of each other when the shot was fired.

Officer Stiles could not recall if the security lighting at the rear of the business was properly working at the time of the service call and the shooting. He could not recall if the alarm was still sounding when he and Officer Bocanegra arrived at the business, or if it rang intermittently while they were at the business. Officer Stiles did recall that the alarm sounded after one of the times Chacon had opened the door.

Officer Stiles told the investigators he remained with Chacon after the other officers arrived to assist him. Officer Stiles never handcuffed Chacon and did not recall seeing any of the other officers placing handcuffs on Chacon. Officer Stiles stood by while he waited for medical personnel.

Officer Stiles was asked why he had only fired his service weapon once. Officer Stiles said, "He dropped. He was on top of me. I maneuvered a bit and he went down." Stiles said he had no doubt that if he had not shot Chacon, he would have been involved in a physical altercation with him.

Statement of Officer Michael Bocanegra

Officer Bocanegra was working the morning shift on May 24, 2010. He was dispatched to a call of an audible burglary alarm at 3481 West Fifth Street to a business called Pro-Shop. He and Officer Stiles arrived at the same time. Officer Bocanegra pulled into the first driveway east of

the business and Officer Stiles entered at the driveway on the west side of the business. Officer Bocanegra turned off all of the police unit's lights before pulling into the parking lot. He parked a few businesses east of the Pro-Shop storefront. He radioed to Officer Stiles to go to the rear of the building.

Officer Bocanegra noticed that it was still dark out, but light enough to see. There were street lights and some business lights that lit up the area. Officer Bocanegra observed a black backpack on the walkway near the front of the business. He also noticed that one of the lower window panes had been shattered. He notified Officer Stiles of the broken window and asked dispatch for an additional unit in case a suspect was inside. He took cover near a wall adjacent to the business to wait for the additional units to arrive. He had his firearm drawn, but he did not shine his flashlight into the business because he did not want to be visible.

Officer Bocanegra heard Officer Stiles tell him over the radio that someone was attempting to exit through the rear door. Officer Bocanegra then observed a suspect, later identified as Timothy Chacon, inside the business running towards the front windows. As the subject approached the front windows, Officer Bocanegra turned on his flashlight and pointed his firearm at the subject. He yelled, "Freeze, don't move!" The subject appeared startled and then he turned around and ran back towards the rear of the business. Officer Bocanegra did not notice Chacon wearing any covering over his face. Officer Bocanegra saw him run straight back to the rear of the business without saying anything, but he could not see his hands to determine whether he was armed or not. Officer Bocanegra broadcast over his radio that there was a suspect running towards the rear of the business.

A few seconds later, Officer Bocanegra heard the rattling and moving of a metal door at the rear of the business. He did not hear any voices. Approximately five seconds later, Officer Bocanegra heard a gunshot.

Officer Bocanegra attempted to contact Officer Stiles over the radio, but he did not hear a response for a couple of seconds. He tried a second time to contact Officer Stiles, and then Officer Stiles broadcasted that shots were fired. Officer Bocanegra immediately ran around to the rear of the building. When he arrived at the rear of the building, he saw the suspect lying face down with his hands in a push-up position. He recognized the suspect as the same person he had seen running inside the business. Officer Kasaba arrived at that time. The officers were telling Chacon not to move and Officer Bocanegra began covering the area because they did not know if there were additional suspects inside the business. He noticed that Chacon was still moving around on the ground even after he was told not to move.

Officer Bocanegra estimated that Chacon was lying approximately 15 to 20 feet away from the rear door of the business with his feet pointing south towards the building and his head facing north. Officer Bocanegra saw that Officer Stiles was approximately two to three feet north of Chacon. Officer Bocanegra asked Officer Stiles if he was okay and he responded that he was. Officer Bocanegra saw that additional units were now arriving. He was tasked with helping to clear the business so he did not speak with Chacon.

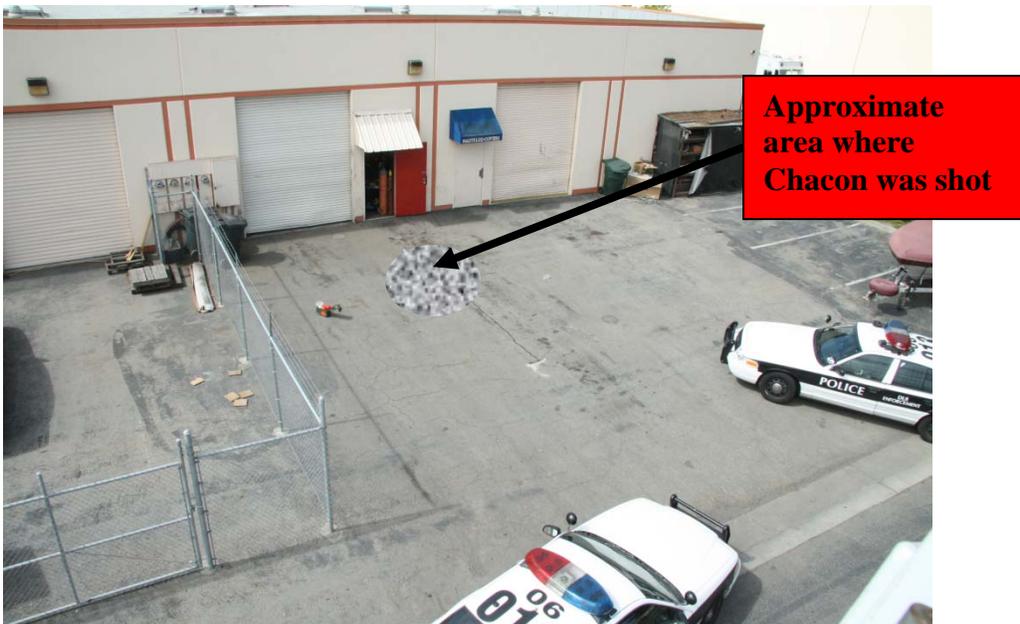
A K-9 officer from Port Hueneme arrived and sent the dog into the business to make sure there were no additional suspects. Once they were sure that the business was empty, Officer Bocanegra entered with other officers. He noticed a green flashlight lying in the workshop area as if it had been dropped. He also saw a cash drawer on the floor. Once officers cleared the interior of the business, Officer Bocanegra went back outside. He saw emergency medical personnel with Chacon and he saw them pronounce Chacon deceased.



Front of the Pro-Shop where Chacon entered the business.



Broken window in front of the business, point of entry.



Aerial view of the rear of the business where Chacon ran towards Officer Stiles.

Other Information

The Pro-Shop is owned by Blas Diaz III and his son Blas Diaz IV. Blas Diaz IV arrived at the business at approximately 5:30 a.m. because he was notified by the alarm company. His father showed up a few minutes later. They informed the detectives that the business had been burglarized in January 2010. At that time, the burglar broke the large bottom window near the wall in the front of the business. They had approximately \$2,000 in cash in the office at that time and it was stolen along with expensive diagnostic equipment. At the time of that burglary, the police found a backpack inside the business that did not belong to them. After that burglary, they had motion detectors installed inside their business along with the alarm. The suspect in that burglary was never caught.

Stephanie Chacon, sister of Timothy Chacon, was contacted by detectives when they went to the family home to inform the family members of Timothy's death. She said that the last time she saw Timothy was the previous afternoon when he left the house. He was going to walk over to his aunt's house near Gonzalez Road. Stephanie said that he had no transportation and it was her understanding he was walking. Her aunt told her that Timothy had left her house sometime around 11:00 p.m. to 12:00 a.m. Timothy was supposed to return home that night but he never arrived.

Stephanie was aware that her brother had a problem with drugs and that he had used methamphetamine in the past. She said that he had recently been released from jail and that he was planning to turn himself into a "sober living" house on the day that he was killed. She said that he had been having problems with drugs for many years and that she and her husband were

the only ones in the family who were willing to help him. She said, “It’s sad to say, but we’ve been kind of waiting for this, you know? Because just the way he—the things he does and all that.”

Connie Chacon, Timothy’s mother, came home while the detectives were there. She told them that Timothy had been released from jail on May 6. He was facing an additional 90 days in custody for a marijuana conviction, but he asked the judge to allow him to attend a drug treatment program. The judge agreed and he was supposed to admit himself to a “sober living” home later that day. She described that she had been adamant with Timothy that he needed help and the only way he could turn his life around would be to become sober.

Timothy Chacon’s criminal record dates back to 1996. He had multiple probation violations that led to custody over the years. In 2007, he was convicted of driving under the influence of alcohol. He was placed on three years probation for this charge. That same year he was convicted of commercial burglary and of being in possession of burglary tools. He was placed on three years probation and received jail time. He was also convicted of violating a court order that same year. In 2009, he was convicted of driving under the influence of alcohol again. He served more jail time. In February 2010, he was convicted of commercial burglary. He was placed on felony probation and released from jail three weeks before he was shot.

PHYSICAL EVIDENCE

Timothy Chacon's body was located 11 ½ feet from the back door of the Pro-Shop business. He was initially found prone on his stomach with his hands in a push-up position. Emergency personnel rolled him over onto his back to treat him. He had one grey knit glove on his right hand and another glove was found on the ground approximately two feet west of his right hand, as if he was holding that glove in his hand when he was shot. In his right front pants pocket officers found a brand new Bank of America Visa Card in the name of Blas Diaz III, the owner of the Pro-Shop. The credit card still had the security sticker attached to it. He also had \$84.14 in cash in his left front pocket.

Inside the business, investigators found a green flashlight on the ground of the shop area. They also noticed that a trash can and a stool were knocked over. Both of those items were located near the doorway that Chacon exited. The green flashlight was located adjacent to the trash can and the stool. The shop owner showed the officers a black shirt that had been tied in a knot on the floor of the shop area under a box. The owner of the business told the investigators that he had never seen that flashlight or the shirt before and that neither of those items belonged to him or any of his employees.

The waiting room of the business had broken glass inside where Chacon had broken the window to gain entry. A personal check issued to Pro-Shop was located on the floor of the waiting room. It appeared that the check had been moved from the office area and had been dropped on the

floor. A second check issued to Pro-Shop was located on the floor between the waiting room and the office area.

The drawers to the desk in the office area were opened and there were miscellaneous items on the floor. There was a set of keys resting in the lock of a desk drawer, which was partially open. There was a cash register drawer on the floor and a small group of pennies on the desktop. The partially-opened drawer is where the cash register drawer was normally kept. According to the owner of the business, they had approximately \$50 in cash in the drawer, which was missing. The keys are usually kept in another part of the office.

Officers found a black backpack on the sidewalk in front of the business several feet east of the front door. The backpack was empty except for several shards of glass in the bottom portion. There was also a Razor-type scooter lying in the bushes east of the entrance of the business. The business owners did not recognize either of these items, and it is believed that Chacon had ridden the scooter to that location.

Autopsy of Timothy Chacon

On May 24, 2010, Dr. Janice Frank, Assistant Medical Examiner of Ventura County, conducted an autopsy on Timothy Chacon. The examination of Chacon showed that he suffered a single gunshot wound to his right upper chest. The entry wound was approximately 13 inches below the top of his head and 3 ¾ inches right of his anterior midline. There was some contusion around the wound. There was no gunpowder residue observed on the skin around the wound.

The bullet entered the right thoracic cavity through the first intercostal space. The bullet perforated the anterior edge of the right lung, through the hilum and through the lower lobe of the right lung before it lodged in the muscle of Chacon's lower right back. The bullet was retrieved at the autopsy from the right side of Chacon's back just to the right of the spine. The path of the bullet was front to back, slightly right to left, and downward at an angle of approximately 60 degrees. The downward angle of the bullet path is consistent with Chacon leaning forward towards Officer Stiles as he was charging him. He was shot while he was running in a head down, forward leaning position which is consistent with the description given by Officer Stiles. He also had a dark red abrasion on the right side of his forehead just above the lateral end of the eyebrow. This injury is consistent with Chacon falling after he was shot and hitting his head on the ground.

Samples of Chacon's blood were taken at the autopsy and sent to the Ventura County Sheriff's Department Crime Laboratory. The samples were tested for the presence of controlled substances. Chacon's blood was positive for methamphetamine, benzodiazepines (valium) and cannabinoids (marijuana).

LEGAL PRINCIPLES

Homicide is the killing of one human being by another, either lawfully or unlawfully. Homicide includes murder and manslaughter, which are unlawful, and the acts of excusable and justifiable homicide, which are lawful.

The shooting of another person in self-defense or in the defense of others is justifiable and not unlawful.

The law of self-defense and the defense of others was codified in 1872 and has remained substantially unchanged since then. It is found in Penal Code sections 197 through 199. It requires that the user of deadly force honestly believes that he or someone else is in imminent and deadly peril, and that a reasonable person in the same circumstances would believe the same and would deem it necessary to use deadly force in order to protect against such peril.

Penal Code section 196(2) defines justifiable homicide by public officers. Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty.

Under California law, anyone, including a police officer, who is threatened with an attack that justifies the use of self-defense, need not retreat. The person attacked may stand his ground and defend himself, if necessary, by deadly force, even if he might have more easily gained safety by flight. See People v. Newcomer (1897) 118 Cal. 263, 273; People v. Dawson (1948) 88 Cal. App. 2d 85, 95.

A police officer may use deadly force where the circumstances create a reasonable fear of death or serious bodily injury in the mind of the officer. Graham v. Conner (1989) 490 U.S. 386; Martinez v. County of Los Angeles (1996) 47 Cal. App. 4th 334.

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. [Citation]... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain and rapidly evolving—about the amount of force that is necessary in a particular situation... [T]he ‘reasonableness’ inquiry... is an objective one: the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. [Citations] Graham 490 U.S. at 396-397.

As indicated by the above language of the United States Supreme Court, when determining whether a person acting in self-defense acted properly upon the appearance of danger, the law recognizes that a person experiencing a stressful event is not able to reflect upon his actions and the perceived threat against him or others, to the same degree as a person who is not being confronted by an emergency situation. When police officers encounter potential threats of deadly attack, the warning is often instantaneous and the danger immediate.

The law provides that actual danger is not necessary to justify the exercise of self-defense. Thus, the right to self-defense is the same whether the danger is real or merely apparent. People v. Jackson (1965) 233 Cal. App. 2d 639, 641-42. The honest and reasonable perceptions of the person utilizing the force are paramount - not the facts as later determined by others. (See People v. Clark (1982) 130 Cal. App. 3d 371, 377.)

ANALYSIS

The primary question that must be answered is: Did Officer Stiles reasonably believe that he was in imminent danger of great bodily injury or death from Timothy Chacon as he ran out the back

door of the business directly at the officer? If the officer had such a state of mind at the moment he shot at Chacon, his use of deadly force was justified under the law.

In this case, Officer Stiles approached the back door of the Pro-Shop business to see if the burglar had entered from there. He checked the door knob and found it to be locked. He heard the radio broadcast from Officer Bocanegra indicating that the burglar had likely entered by a broken window at the front of the business. Officer Stiles realized that there was no adequate cover in the back area of the business so he stood to the side of the door while waiting for backup to arrive.

While he was waiting for backup, Chacon opened the door and looked right at him. Officer Stiles turned his flashlight and pointed his gun at Chacon, and he ordered him to come out of the businesses with his hands up. Officer Stiles announced that he was a police officer and he made eye contact with Chacon. He noticed that Chacon was wearing some type of cloth covering the lower part of his face to avoid being recognized. This item turned out to be a black shirt that was later found inside the business. Chacon ignored the order and retreated back into the business. The second time that Chacon opened the door, Officer Stiles again ordered him to come out with his hands up. Once again, Officer Stiles identified himself as a police officer and once again Chacon ignored the order. Officer Stiles had no idea whether Chacon was armed because he never stepped out of the doorway and Officer Stiles never saw his hands.

Officer Bocanegra also saw Chacon running inside the business. He most likely was looking for an escape route after he tried twice to exit the back. He no longer had the cloth covering his face,

and Officer Stiles noticed the same thing when Chacon opened the door the third time. When he ran towards the front windows, Officer Bocanegra pointed his flashlight and gun at him and told him to come out. Rather than follow this command, Chacon ran back towards the back door again. Officer Bocanegra was unable to see his hands to determine whether he was armed. Chacon ran back to the rear door and opened it again. Officer Stiles changed his position each time so that Chacon would not be able to predict where he was standing. He did this so that Chacon could not shoot at him immediately upon opening the door if he was armed with a gun. Chacon looked at Officer Stiles and then closed the door again. Officer Stiles was increasingly concerned about his own safety because he did not know what Chacon's intentions were, he did not know whether Chacon was armed, and there was no adequate cover for him while he was standing behind the building.

The fourth time Chacon opened the door, he ran directly at Officer Stiles in a full sprint. Officer Stiles believed that Chacon was trying to either injure him with a weapon or was going to try to take his weapon from him. Officer Stiles did not have very long to react and, once he saw Chacon running at him, he was convinced that his life was in danger because Chacon ran directly at him rather than to the right and away. If Chacon had varied his path as he exited the door, he would have run past Officer Stiles and could have either escaped or been chased by the officer. It is clear that Chacon decided that his only chance was to attack the officer and that is why he ran at him.

Chacon was shot as he ran directly at Officer Stiles. The autopsy of Chacon indicates that the bullet path was front to back and in a downward angle of approximately 60 degrees. This is

consistent with Chacon running at Officer Stiles in a head-down position with his body leaning towards Stiles. It appears that Chacon's body was positioned so that he could attack Stiles as soon as he made contact with him, not unlike a football player preparing to tackle his opponent. The shot was also slightly right to left. The left to right angle is consistent with Officer Stiles attempting to maneuver out of the way as Chacon charged at him. Neither Officer Stiles nor Chacon were in a stationary position at the time of the shooting. Chacon was charging towards Officer Stiles, and Officer Stiles was attempting to maneuver out of the way while he was in fear for his life. The slight left to right angle of the bullet path is consistent with Officer Stiles' description of the position of Chacon at the time he was shot.

Officer Stiles made it clear to Chacon that he was a police officer. Chacon was committing a commercial burglary at 5:00 a.m. when the police arrived. Chacon was recently convicted of commercial burglary and tried to avoid going back to jail by going into a "sober living" house. The results of the blood tests show that Chacon had methamphetamine, benzodiazepines (valium) and cannabinoids (marijuana) in his system when he was shot. Clearly Chacon was desperate about his situation and was trying to escape further incarceration. While he was under the influence of the various drugs in his system, he made a fatal mistake and decided to attack the officer rather than surrender. The circumstances surrounding the shooting of Chacon were tense, uncertain and rapidly evolving. Officer Stiles was forced to react to the perceived threat that Chacon posed to him. He had to act immediately upon Chacon running out of the building directly at him. Officer Stiles reasonably believed that he was likely to suffer great bodily injury or death at the hands of Chacon, so he shot him to protect himself.

CONCLUSION

It is the District Attorney's conclusion that Officer Zachary Stiles acted reasonably under the circumstances, and his use of deadly force was within the limits of the law. For that reason, the District Attorney concludes that the killing of Timothy Chacon was a justifiable homicide.