

*** NEWS RELEASE ***

NO CHARGES FILED IN SHOOTING DEATH OF 16 YEAR OLD ARMED WITH A KNIFE AND UNDER THE INFLUENCE OF METHAMPHETAMINE

FOR IMMEDIATE RELEASE

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Monterey County District Attorney Dean D. Flippo announced today that no charges will be filed against two Salinas police officers who used lethal force in the shooting death of Marlon Rodas on January 18, 2017. Relevant reasons for this conclusion include:

- Witnesses became afraid when they discovered Marlon Rodas outside their residence with a knife. He sharpened it on the ground, was acting strangely and was completely unresponsive. A witness called police.
- For 40 minutes during a standoff, Rodas did not respond to the presence of the police, repeated commands to put the knife down, and all efforts to build rapport with him.
- Police tried using high pressure water from a firehose and deployed 40mm baton rounds. These non-lethal methods did not disarm Rodas, did not cause him to submit or surrender, and were applied over a period of one and a half minutes. Rodas then retreated into the residence.
- Police then fired 40mm baton rounds at Rodas through an open glass sliding door, attempting to disarm Rodas or cause him to submit and surrender. Although the rounds struck Rodas at close range, this pain compliance measure was ineffective. Police also deployed a Taser which was ineffective.
- A second Taser shot temporarily subdued Rodas, and police rushed into the residence and around a corner 7 feet away, behind which Rodas fell.
- As Officer Lopez rounded the corner, Rodas was no longer incapacitated by the Taser. Rodas held the knife and began to sit up, bending his knees and lifting his upper torso as he raised the knife. As Lopez moved immediately adjacent to Rodas—so close the two may have touched—Lopez lost his footing and fell flat on his back. The slick tile floor in the house was wet because Rodas, soaking wet from the firehose, had dripped water on the tile.
- Rodas stood up with the knife in his hand immediately next to Officer Lopez who had begun firing his weapon.
- Officer Dominici was the fourth officer to enter in immediate succession. Before he rushed around the corner to observe the scene, he heard gunfire. Two other officers were in front of him fully exposed to whatever was occurring, both with only Tasers deployed. He did not see what caused Lopez to fall. With gunfire erupting, he turned the corner to see Lopez down. He did not know whether Lopez had been shot or stabbed. Dominici saw Rodas next to Lopez still with the knife. As Lopez continued firing his weapon, Dominici aimed and fired.
- All shots were fired in approximately 3 seconds.

- Rodas had a high and potentially toxic level of methamphetamine in his system. The methamphetamine level detected can cause overstimulation, overreacting, hallucinations, delusions, and paranoia.
- When Rodas stood up next to Lopez armed with the knife, Rodas presented a clear and imminent danger. Rodas was an instant away from inflicting great bodily injury or death upon Officer Lopez. Rodas' behavior had been irrational and unpredictable. Throughout the encounter he demonstrated extreme resolve never to surrender or relinquish the knife, even in the face of considerable pain. Until that instant, Rodas had thwarted all measures of force brought against him. He was impervious to persuasion of any sort. The officers could reasonably infer that he would use the knife on an officer if afforded the opportunity. At that instant, deadly force was a reasonable option.

The purpose of this review is not to advise concerning best practices for police in the field, but to determine whether proof beyond a reasonable doubt supports a conviction. On these facts, it does not.

In summary, the investigation revealed that the officers reacted with a reasonable belief that Marlon Rodas posed an imminent deadly threat when the officers shot him in self-defense and defense of others. For details see the attached letter explaining our analysis to Salinas Police Chief Adele Frese authored by Chief Assistant District Attorney Berkley Brannon.