



**LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE  
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS  
JUSTICE SYSTEM INTEGRITY DIVISION**

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August 22, 2011

Chief Jim McDonnell  
Long Beach Police Department  
100 Long Beach Boulevard  
Long Beach, California 90802

Re: J.S.I.D. File # 10-0421  
L.B.P.D. File # 10-36832

Dear Chief McDonnell:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 29, 2010, non-fatal shooting of Carlos Eduardo Romo by Long Beach Police Officer Lorenzo Uribe. It is our conclusion that Officer Uribe acted in lawful self-defense and defense of others.

The following analysis is based on reports prepared by the Long Beach Police Department (LBPD), submitted to this office by Detectives Donald Goodman and Scott Lasch, LBPD, Homicide Detail. The District Attorney's Command Center was notified of the shooting on May 29, 2010, at approximately 1:30 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Corene Locke-Noble and District Attorney Senior Investigator Andy Le, responded and was given a briefing and a walk-through of the scene. Officer Uribe's supplemental report was reviewed and considered as part of this analysis.

**FACTUAL ANALYSIS**

On May 29, 2010, at approximately 12:25 a.m., Long Beach police officers were dispatched to a carjacking that had just occurred. The victim's Honda Civic was taken at gunpoint by two men in an alley behind her residence. One suspect pointed a black revolver at the victim while demanding her keys. Descriptions of the suspects and vehicle were broadcast over the police radio along with the direction that the Honda was last seen.

At 12:28 a.m., Officer David Ebell located the victim's Honda Civic heading westbound on Anaheim Street. He followed the vehicle until additional units responded to his location to assist in a felony traffic stop. When Ebell activated his overhead lights and siren the driver, Francisco

H., sped up and failed to yield.<sup>1</sup> Francisco H. accelerated up to 65 miles per hour, slowing only to make turns, as he fled from the pursuing police units.<sup>2</sup> Francisco H. eventually turned south onto San Francisco Avenue which ends at a T-intersection with a westbound only service road. The intersection has a tall concrete wall running along the south side of the road. Francisco H. turned eastbound at approximately 50 miles per hour and lost control of the car. The Honda hit a street sign, went onto the south curb and collided with the concrete wall. The car came to rest facing east with the passenger side up against the wall.

Francisco H. opened the driver's door as if he was attempting to flee. Ebell pointed his service weapon at Francisco H. and ordered him to put his hands in the air and to remain in the car. Francisco H. complied with the orders. The passenger, Carlos Eduardo Romo, was shaking the front passenger door as if he was trying to open it. Ebell ordered him to put his hands in the air and Romo complied. Assisting units began to arrive and tactically positioned their police vehicles on the driver's side of the Honda in order to conduct a high risk traffic stop. The officers were out of their vehicles with their service weapons pointed at the car and its occupants. Officer Lorenzo Uribe armed himself with the Remington Wingmaster .12 gauge shotgun from his police vehicle.

Officers ordered Francisco H. to exit the vehicle with his hands in the air and he complied. Officer Uribe ordered him to drop to hands and knees and crawl toward a waiting arrest team. Francisco H. complied and was taken into custody. Officers next ordered Romo to exit through the driver's door with his hands in the air. As he moved toward the door, the Honda began to roll forward. At Sergeant Robert Knight's direction, Romo put the car in park. Romo put his hands back in the air and exited the Honda.

Uribe ordered Romo to get on his hands and knees twice before Romo slowly complied. Uribe told Romo to slowly crawl toward his voice. Romo began to crawl quickly. Uribe ordered him to slow down. Romo looked down at the ground. Uribe yelled to Romo, "Crawl towards me. Do not reach for anything." Romo continued to look away from Uribe. Uribe then said, "Do not do anything stupid or I will shoot you." Romo, who was now seven feet from Uribe's position, picked his left hand up from the ground and moved it toward his waist. Uribe lost sight of Romo's left hand. Based on his training and experience, Uribe knew that the front waistband is commonly used to conceal handguns and other dangerous weapons. Additionally, he was aware that Romo was a suspect in a carjacking where a handgun had been used. Uribe believed that Romo was reaching toward his waist in order to grab the handgun and use it to shoot and kill himself or another officer at the scene. In fear for his life, and the life of his fellow officers, Uribe removed the safety off his shotgun and fired one round at Romo, striking him in the left leg. Romo was taken into custody and transported to St. Mary's Hospital where he was treated for gunshot wounds to the inner thigh and lower leg.

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<sup>1</sup> Francisco H. was sixteen years-old.

<sup>2</sup> The posted speed limit in the area is 25 miles per hour.

Sergeant Knight also observed Romo reach for his waistband and feared that he was trying to arm himself. Knight disengaged the safety on his service weapon with the intention of firing at Romo, but Uribe fired his shotgun and removed the immediate threat. Sergeant Larry Bautista believed that Romo was reaching for a gun as well. As Uribe fired his shotgun, Bautista intended to fire his service weapon, but was unable to because Uribe was in his line fire. Officer Tonya Christopher saw Romo's left hand go toward his waist and feared he was reaching for a weapon. She placed her index finger on the trigger of her service weapon and began to squeeze it before Uribe's round struck Romo. Officers Eric Barich, Daniel Martinez, Daniel Melendez and Steven Suderno also saw Romo move his left hand toward his waistband.

A black .22 caliber revolver containing six live rounds was recovered under the front passenger seat of the Honda.<sup>3</sup> Uribe's shotgun was analyzed and contained one expended shell casing.

On May 29, 2010, Romo was interviewed at St. Mary's Hospital by Detectives Donald Goodman and Scott Lasch. He waived his Miranda rights and agreed to talk to the detectives. Romo stated that he and his friend observed a vehicle with its emergency lights flashing and decided to steal it.<sup>4</sup> When the owner returned to her car, Romo pulled a revolver from his pants pocket and demanded her keys. Romo and his friend then fled the location in the stolen car. His friend, who was driving, refused to pull over for the police. The car slid out of control and crashed. He was ordered out of the car and told to crawl toward the officers. As he was crawling, his pants began to fall down because they were too big for him. Romo reached down toward the left side of his waistband in order to pull up his pants and was shot in the leg. Romo told detectives that the officer who shot him probably thought he was going to pull out the revolver he used in the carjacking. He understood why the police shot him and did not blame them.

On June 1, 2010, Romo and Francisco H. were charged in case number NA085849 with violations of Penal Code section 215, carjacking, and section 211, robbery. Personal use of a firearm and principal use of a firearm were alleged against Romo and Francisco H., respectively.<sup>5</sup> Francisco H. was also charged with felony evading. On March 30, 2011, Francisco H. pled no contest to one count of robbery and was sentenced to five years in state prison. A bench warrant was issued for Romo's arrest on the same day and is still outstanding.

## CONCLUSION

It is well-established law in California that a person may use deadly force in self-defense or the defense of others when that person believes that the use of deadly force is necessary to protect himself or others from great bodily injury or death, and that belief is a reasonable one. People v. Williams (1977) 75 Cal.App.3d 731; People v. Glover (1903) 141 Cal. 233; People v. Ortiz (1923) 63 Cal.App. 662. The United States Supreme Court has held that in evaluating the use of

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<sup>3</sup> The handgun was stolen on September 9, 2009, during a residential burglary in Los Angeles.

<sup>4</sup> Romo never identified Francisco H.

<sup>5</sup> The owner of the Honda and her boyfriend identified Romo and Hernandez as the individuals who stole her car at gunpoint.

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force by police officers, “reasonableness” is to be judged from the perspective of a reasonable officer at the scene, taking into account circumstances surrounding the use of force, including whether the suspect poses an immediate threat to the safety of the officers or others, whether he is actively resisting arrest or attempting to evade arrest by flight, and the severity of the crime at issue. In determining the reasonableness of an officer’s actions, allowances must be made 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. Graham v. Connor (1989) 490 U.S. 386, 396-398.

The evidence examined in this investigation shows that Romo was located by police in a vehicle that was reported stolen minutes earlier in an armed carjacking. When Romo chose to reach his hand to his waist during the felony stop, contrary to the orders that were being given to him, it caused Uribe and numerous other officers to fear that he was reaching for the outstanding handgun. Uribe, in fear for his life and the lives of his fellow officers, responded with deadly force. We find that Officer Lorenzo Uribe acted in lawful self-defense and defense of others. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY  
District Attorney

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c: Officer Lorenzo Uribe #6284