



COUNTY OF YOLO
OFFICE OF THE DISTRICT ATTORNEY
JEFF W. REISIG, DISTRICT ATTORNEY

FOR IMMEDIATE RELEASE
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OFFICER INVOLVED SHOOTING WAS JUSTIFIED
ATTORNEY GENERAL UPHOLDS DECISION

(Woodland, CA) – November 24, 2009 – No criminal charges will be filed against Yolo County Sheriff's Deputies Hernan Oviedo, Hector Bautista and Dale Johnson, who were involved in the April 30, 2009, fatal shooting of Luis Gutierrez Navarro (26) in Woodland, California. A 37 page District Attorney report outlining the reasons for the determination and a supporting letter from the California Attorney General were released today.

The report concludes, "When considering all of the facts and circumstances known to them at the time, the use of deadly force by the deputies was objectively reasonable and justified and therefore does not warrant the filing of criminal charges against Sgt. Johnson, Deputy Oviedo or Deputy Bautista."

The report cites numerous facts and evidence that include: the initial consensual contact by sheriff's deputies in a high crime area with gang graffiti; upon contact, Navarro immediately fled from deputies running across Gum Avenue into traffic; Navarro had methamphetamine in his system which may have altered his perception; the plain clothed deputies' statements that they verbally identified themselves as police officers and showed their guns and badges which was confirmed by a civilian witness who watched the pursuit and stated she could tell the deputies were police officers; during the foot pursuit, Navarro quickly turned and swung a pocket knife at Sgt. Johnson; Sgt. Johnson jumped back to avoid the knife and he was placed in a position that required him and Deputy Oviedo to use deadly force in order to avoid great bodily injury or death.

The report defines the legal role of a prosecutor in investigating an officer involved shooting, "We address only whether or not there is sufficient evidence to support the filing of criminal charges in connection with the shooting death of Luis Gutierrez Navarro."

In a letter dated November 16, 2009, the California Attorney General upheld the Yolo County District Attorney's decision that criminal charges against the sheriff's deputies were not warranted. The letter to the District Attorney states that "After a complete review of all available information, we have concluded that your decision was not unreasonable and thus did not constitute an abuse of discretion."

The Attorney General conducted its independent review at the request of the District Attorney. An independent investigation by the FBI, which was also requested by the District Attorney, is ongoing.

The California Attorney General's Press Office can be contacted at (510)-622-4500.

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