

*** NEWS RELEASE ***

NO CHARGES WILL BE FILED IN SHOOTING DEATH OF SUICIDAL ROBBER WHO IGNORED POLICE COMMANDS TO SURRENDER AND INSTEAD BRANDISHED REPLICA FIREARM AT POLICE

FOR IMMEDIATE RELEASE

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Monterey County District Attorney Dean D. Flippo announced today that no charges will be filed against any police officer who was involved in the shooting death of Angel Ruiz on March 20, 2014. Relevant reasons for this conclusion include:

- Ruiz committed multiple violent armed robberies in the months leading up to March 20, 2014.
- According to Ruiz's daughter, in the month prior to the shooting Ruiz twice attempted suicide.
- During two telephone conversations on March 20, 2014, Ruiz told his daughter that he knew he was going to die, said his good-byes and that he was never going back to prison.
- On March 20, 2014, Ruiz texted his wife saying he was going to jump off a cliff.
- Ruiz authored a suicide note dated March 20, 2014.
- On March 20, 2014 at about 6:18 p.m., Ruiz committed a violent robbery at Jack in the Box, including shoving a gun in the victim's mouth.
- On March 20, 2014, at approximately 9:50 p.m., Ruiz pointed a gun at an employee of the Wingstop restaurant.
- The Wingstop restaurant was crowded with patrons at the time when police contacted Ruiz to arrest him.
- Ruiz refused to comply with numerous commands by police officers.
- Ruiz pulled out a firearm, later determined to be a replica, instead of raising his arms as ordered and was shot.
- Civilian witnesses corroborated the police officer's statements.
- Toxicology results show Ruiz had a blood alcohol level of .15 and potentially toxic levels of medications prescribed for psychiatric disorders.

Pursuant to State and Federal law any person, including a police officer, is allowed to use deadly force in self-defense or in defense of others if the person reasonably believes the immediate use of deadly force is necessary to defend against an imminent danger of great bodily injury or death. The danger does not need to have actually existed as long as the person reasonably believed the danger existed. Further, a person acting in self-defense or defense of others is not required to retreat. The person is entitled to stand his or her ground or even, if reasonable, to pursue an assailant until the danger of death or bodily injury has passed. This is so even if safety could have been achieved by retreating.

The investigation revealed that the officers acted with a reasonable belief that Angel Ruiz posed an imminent deadly threat when officers shot him in self-defense and defense of others. At close range, he ignored officers' commands and instead pointed what looked like a semi-automatic firearm at them. Even before California became a state in 1850, the law of self-defense and defense of others has never required an actual threat. The fact that Angel Ruiz had a replica firearm rather than a real one makes no difference, as long as a person asserting self-defense had an actual and reasonable belief the gun was real. All of the officers thought the gun was real and the investigation disclosed no evidence to the contrary. In summary, it appears that Angel Ruiz decided to kill himself that day and chose to use police as the instrument of his death. Unfortunately, his plan succeeded.

For details see the attached letter to Salinas Police Chief Kelly McMillin authored by Assistant District Attorney Jeannine Pacioni explaining our analysis.