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November 7, 2014

Chief Charles Celano
Tustin Police Department
300 Centennial Way
Tustin, CA 92780

Re: Officer-Involved Shooting on March 2, 2014
Non-Fatal Incident involving Nicolas Barraza Vizcarra
District Attorney Investigations Case # S.A. 14-005
Tustin Police Department Case # 14-1120
Crime Laboratory Case FR # 14-42829

Dear Chief Celano,

Please accept this letter regarding the Orange County District Attorney's (OCDA) Office's investigation and legal conclusion in connection with the above-listed incident involving on-duty Tustin Police Department Officer Gustavo Gonzalez. Nicolas Barraza Vizcarra, age 30, survived his injuries. The incident occurred in the City of Tustin on March 2, 2014.

Based upon a review of all the evidence provided to and obtained by the OCDA, and pursuant to applicable legal principles, it is our legal opinion that the evidence does not support a finding of criminal culpability on the part of Officer Gonzalez. There is sufficient evidence showing that the officer's actions were reasonable and justified under the circumstances when he shot at Vizcarra on March 2, 2014. Since there is currently a pending criminal case against Vizcarra relating to the facts which arose out of the above described incident, the OCDA will not release the more detailed letter regarding this incident until after the criminal case against Vizcarra is resolved.

Sincerely,

EBRAHIM BAYTIEH

Acting Assistant District Attorney
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