



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TONY RACKAUCKAS, DISTRICT ATTORNEY

JIM TANIZAKI
SENIOR ASSISTANT D.A.
VERTICAL PROSECUTIONS/
VIOLENT CRIMES

JOSEPH D'AGOSTINO
SENIOR ASSISTANT D.A.
GENERAL FELONIES/
ECONOMIC CRIMES

MICHAEL LUBINSKI
SENIOR ASSISTANT D.A.
SPECIAL PROJECTS

JAIME COULTER
SENIOR ASSISTANT D.A.
BRANCH COURT OPERATIONS

CRAIG HUNTER
CHIEF
BUREAU OF INVESTIGATION

ROBERT WILSON
INTERIM DIRECTOR
ADMINISTRATIVE SERVICES

SUSAN KANG SCHROEDER
CHIEF OF STAFF

January 6, 2016

Chief Robert H. Gustafson
Orange Police Department
1107 N. Batavia St.
Orange, CA 92867

Re: Officer-Involved Shooting on May 28, 2015
Non-Fatal Incident involving Edgar Eduardo Martinez
District Attorney Investigations Case # 15-011
Orange Police Department Case # 15-051054

Dear Chief Gustafson,

Please accept this letter regarding the Orange County District Attorney's (OCDA) Office's investigation and legal conclusion in connection with the above-listed shooting involving on-duty Orange Police Officers Cory Trippery and Nick Silver. Edgar Eduardo Martinez, age 23, survived his injuries. The incident occurred in the City of Orange on May 28, 2015.

Based upon our investigation and 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 Officers Trippery and Silver, or any other OPD officer involved in this incident. There is sufficient evidence showing that the officers' actions were reasonable and justified under the circumstances when they shot Martinez on May 28, 2015. Since there is currently a pending criminal case against Martinez 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 Martinez is resolved.

Sincerely,

Ebrahim Baytieh
Assistant District Attorney
Supervising Head of Court – Special Prosecutions Unit
714-347-8601
ebrahim.baytieh@da.ocgov.com

REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: www.OrangeCountyDA.com

MAIN OFFICE
401 CIVIC CENTER DR W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3600

NORTH OFFICE
1275 N. BERKELEY AVE.
FULLERTON, CA 92631
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92668
(714) 896-7261

HARBOR OFFICE
4601 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

CENTRAL OFFICE
401 CIVIC CENTER DR. W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3952