



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

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May 23, 2022

The Honorable Ian Parkinson  
Sheriff-Coroner  
County of San Luis Obispo  
1585 Kansas Avenue  
San Luis Obispo, California 93405

Re: Review of Fatal Officer Involved Shooting Incident  
Decedent: Scott Cameron Huffman (DOB 02/05/1978, Age 42)  
Date and Time of incident: August 21, 2020, 11:20 a.m. to about 11:31 a.m.  
Location: Nipomo, unincorporated San Luis Obispo County  
Involved Officers: Deputy Sheriff Daniel Weagle, Deputy Sheriff Chelsea Stevenson and California Highway Patrol Officer Jason Jennings

San Luis Obispo County Sheriff's Office Case No. 2008-06301<sup>1</sup>  
San Luis Obispo County Coroner's Case No. 18971  
District Attorney Case No. 079-676656

Dear Sheriff Parkinson,

The District Attorney's Office has completed its independent review of the fatal officer involved shooting incident occurring in Nipomo on August 21, 2020, culminating in the shooting death of Scott Cameron Huffman at about 11:31 a.m. This letter contains our findings.

## OVERVIEW

This report recites the factual findings and legal opinions of the San Luis Obispo County District Attorney's Office related to the fatal officer involved shooting incident occurring in Nipomo on August 21, 2020, in response to an active shooter event involving Scott Huffman. Three responding peace officers discharged firearms to stop the active shooter threat which resulted in the death of Huffman.

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<sup>1</sup> Associated law enforcement agency reports: California Highway Patrol Report No. C20-701-006; Federal Bureau of Investigation Report No. 343G-LA-3308540; Bureau of Alcohol, Tobacco, Firearms & Explosives Report No. 784066-20-0054; and California Dept. of Justice, Bureau of Forensic Services Report No. B-20-000754-0001.

The District Attorney's Office has conducted an independent evaluation of the facts and circumstances of this incident and has reviewed all evidence and legal standards impartially. The scope of this review is expressly limited to determining whether any violation of California criminal law occurred when the involved peace officers employed deadly force by discharging their firearms. The District Attorney's Office will not be addressing any issues relating to policy, training, tactics, or civil liability.

The findings and opinions in this report are based on review of the investigation conducted by the San Luis Obispo County Sheriff's Office and contained within their final investigative summary and attached exhibits, as well as the author's site visit. The Sheriff's twenty-nine page final investigative summary includes a comprehensive reconstruction of the events leading up to and surrounding the incident. The investigation included: seventy five interviews of civilian and law enforcement witnesses; the collection of two hundred eighty items of evidence; review of patrol in-unit videos; surveillance and mobile phone videos; dozens of photographs; location diagramming; forensic evaluation and testing of physical evidence; and review of social media accounts. Exhibits contained within the Sheriff's final investigative summary that were reviewed are listed in **Attachment A** to this report.

### INVESTIGATIVE METHODOLOGY

The San Luis Obispo County Sheriff's Office was the lead investigating agency in this incident. The identification, collection, and processing of evidence was accomplished in collaboration with outside agencies, including but not limited to the Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms and Explosives, California Department of Justice and California Highway Patrol. All three officers who discharged firearms during the incident were cooperative and provided voluntary statements.

The investigation established a comprehensive timeline of events from the time that Scott Huffman arrived at the Vons Gas convenience store in his Lincoln Navigator sports utility vehicle at about 11:20:35 a.m. on August 21, 2020, to the shooting incident, at approximately 11:31:23 a.m. Video surveillance captured events leading up to, during, and after the incident. The timeline was developed using witness interviews and video footage. The primary video surveillance was captured by cameras located at Vons Gas and included sixteen unique camera angles. Video was also obtained from civilian videographers and Sheriff's Office public safety cameras located in the area. Finally, in-unit dashboard camera video and audio were obtained for the three officers who employed deadly force.

Once the Sheriff's Office completed their investigation the author was provided an in-person presentation of their findings and final investigative summary with associated exhibits, as described above. The author is responsible for the complete and impartial review of the investigation and preparation of this report.

## SUMMARY OF FINDINGS

The incident involved three peace officers using deadly force by shooting or shooting at Scott Huffman, who was then considered an active shooter. The officers who used deadly force were San Luis Obispo County Deputy Sheriff Daniel Weagle, San Luis Obispo County Deputy Sheriff Chelsea Stevenson, and California Highway Patrol Officer Jason Jennings. The officers' use of deadly force was necessary and justified as self-defense or as defense of another within the meaning of Penal Code Section 835a(c)(1)(A). Additionally, at the time of the incident Huffman may reasonably be described as an armed fleeing felon within the meaning of Penal Code Section 835a(c)(1)(B). No criminal charges are warranted against any of the involved peace officers.

## FACTUAL SUMMARY<sup>2</sup>

Late Friday morning August 21, 2020, [REDACTED] and [REDACTED] were working as clerks at the Vons Gas fuel station and convenience store located at 550 West Tefft Street in Nipomo. Also in the store was fuel truck operator [REDACTED].

The Vons Gas fuel station consists of sixteen gas pumps in four separate bays and associated convenience store, Vons Gas store. The fuel station is located at the south-west corner of the Vons Shopping Center, which also supports a Vons supermarket, Subway sandwich shop, Nail Image nail salon, Little Caesar's Pizza, a smoke shop, Coast Hills Credit Union, and Carl's Jr. fast food restaurant. The shopping center is adjacent to State Highway 101 to the north-east and bordered by Tefft Street to the south. Tefft Street is a major off-ramp for Highway 101 and primary thoroughfare for the area with heavy vehicle traffic. At the time of the incident (late-morning to mid-day on a Friday) there was heavy vehicle and pedestrian traffic in the area, including more than a dozen vehicles using the fuel station pumps and constant vehicle traffic on Tefft Street.

At 11:20:32 a.m. Scott Huffman<sup>3</sup> parked his Lincoln Navigator sports utility vehicle (Navigator) in the parking stall immediately in front of the entrance to the Vons Gas convenience store (Vons Gas). Seated in the front passenger seat of the Navigator was [REDACTED], [REDACTED].

Shortly before 11:22:50 a.m. Huffman quickly exited the driver side door of the Navigator carrying a black handgun<sup>4</sup> in his right hand and ran toward the entrance of Vons Gas. This drew the attention of store clerks [REDACTED] and [REDACTED] who were inside. [REDACTED] described Huffman as "yelling and laughing, like something crazy like you would see in a Joker movie." Out of fear, [REDACTED] initiated an automatic lock button located beneath the front counter which worked to lock the front door preventing entrance or exit.

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<sup>2</sup> Precise times and observations were confirmed using video surveillance, cell phone video, patrol car in-unit video or law enforcement communications records.

<sup>3</sup> Huffman was not identified as the shooter until after the incident.

<sup>4</sup> The firearm was later recovered and determined to be a Glock G22 .40 caliber semi-automatic pistol.



**Figure 1** - Surveillance video of Huffman running from the Navigator towards Vons Gas, pistol in his right hand.

At 11:23:03 a.m. ██████████ quickly exited the front passenger side door of the Navigator and ran eastbound through the parking lot towards the gas pumps.

At 11:23:05 a.m. Huffman reached the front entrance of Vons Gas and began to aggressively pull on the door handle with his left hand. Huffman kicked at the door with his right foot, then took a firing stance and fired the pistol several times towards the door's central locking mechanism. ██████████ described his observations: "I saw his gun and I dove and locked the door right before he opened it. Then he started unloading his clip at the door, yelling something." ██████████ described Huffman as shooting four to six rounds at that time. ██████████ and ██████████ dropped to the floor and crawled to the office located at the rear of the store. At this time surveillance video shows several civilians fleeing from the area near the gas pumps and adjacent parking lot.

At 11:23:10 a.m. Huffman again took a firing stance, now shooting towards the top of the door frame, then aggressively pulled the door handles in an apparent attempt to enter. When that did not work, he again fired at the top of the door and again attempted to gain entrance.

By 11:23:13 a.m. ██████████ and ██████████ had made their way to the back office and locked the door. ██████████ called 911 to report the incident. ██████████ and ██████████ watched

Huffman on the video surveillance system within the office. The surveillance monitor provided views inside and outside of Vons Gas. [REDACTED], who had initially run to a back room, made his way to the office as well.

At about this time San Luis Obispo County Sheriff Dispatch and California Highway Patrol (CHP) Dispatch began receiving multiple 911 calls related to gunfire in the vicinity and initiated a simultaneous response.

At 11:23:20 a.m. Huffman ran back to the Navigator and opened the driver side door. As Huffman stood inside the open driver side door, he removed the ammunition magazine from his pistol, dropped it on the ground, and inserted another magazine.

At 11:23:30 a.m. Huffman walked south from the Navigator towards Tefft Street, holding his pistol in his extended right hand and fired ten rounds towards heavy vehicle traffic on Tefft Street. A Cal Fire San Luis Obispo County Fire truck traveling westbound on Tefft was struck by at least two rounds. The fire truck was responding to a medical aid call with lights and siren engaged. Staff onboard observed Huffman “advancing” toward them and “tracking” as he fired. In the downrange direction of fire, across Tefft Street, are several businesses including Starbuck’s coffee shop, Miner’s Hardware, CVS Pharmacy and Wells Fargo bank. Several witnesses in this location described what they believed to be bullets striking in their close proximity. At this time video surveillance showed civilians fleeing the fuel station area on foot and in vehicles.



**Figure 2** - Huffman firing towards Tefft Street. **Figure 3** - Bullet strikes on Cal Fire SLO County engine.

At 11:23:38 a.m. Huffman walked toward Tefft Street and appeared to drop another magazine from his pistol. At about 11:23:50 a.m. Huffman walked onto Tefft Street and crossed to the center median. At least one witness heard him yelling expletives, including repeating the phrase “don’t f\*\*\* with me, I’m the wrong mother\*\*\*er.”

At 11:24:07 a.m. Huffman walked into the number one lane of eastbound Tefft Street while brandishing his pistol at passing cars. He raised his left hand stopping a small SUV

driven by [REDACTED] and occupied by her young son and husband. [REDACTED] had just heard what she believed were two gunshots she attributed to Huffman. Huffman approached the driver side of the SUV, opened the door and told [REDACTED] to take off her mask.<sup>5</sup> Huffman moved his right hand from his waistband area and revealed the pistol. He made a statement to the effect “all life is beautiful” and asked for the name of [REDACTED] son. Huffman began to either remove bullets or remove the magazine from his gun and placed them/it in his pocket as he spoke to [REDACTED]. [REDACTED] eventually asked if she could leave and Huffman allowed her to do so.



**Figure 4** – Surveillance video of Huffman confronting Ahn Ho and family on Tefft Street.

At 11:24:08 a.m. CHP dispatch received calls of Huffman shooting towards traffic and stopping vehicles on Tefft Street.

At 11:24:44 a.m. San Luis Obispo County Deputy Sheriff Daniel Weagle received a dispatch to “shots fired” in the vicinity of the Nipomo Vons. Deputy Weagle was provided a subject description and informed the subject had a black handgun.

At 11:25:05 a.m. CHP Officer Jason Jennings was dispatched to the location after being advised that a subject had fired a gun into Vons Gas, that people were injured and a

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<sup>5</sup> Ho was wearing a protective face covering in light of COVID concerns.

woman was being held at gunpoint. Officer Jennings was provided a subject description and informed the subject had a black handgun.

At 11:25:19 a.m. dispatch broadcast that Huffman was on foot actively shooting.

At 11:25:58 a.m. Huffman closed the door to [REDACTED] SUV and began to walk back towards Vons Gas.

At 11:26:36 a.m. San Luis Obispo County Deputy Sheriff Chelsea Stevenson dispatched to the location based on information of an active shooter. While on route she was provided additional information and a subject description.

At 11:26:38 a.m. Huffman paced in the northeast area of the parking lot, appearing agitated and slightly jumping up and down waving his arms.

At 11:26:53 a.m. dispatch related that the Huffman had a female at gunpoint (presumably [REDACTED] and her family) and was pointing a gun at vehicles traveling on Tefft Street.

At 11:27:12 a.m. Huffman walked north through the parking lot towards Subway sandwich shop.

At 11:29:36 a.m. Deputy Weagle arrived in the area and was directed to Vons Gas by several civilians. He parked his marked patrol SUV near the corner of Mary and West Tefft Streets (behind Vons Gas).

At 11:29:38 a.m. dispatch advised that Huffman was seen with a gun in his hand near Coast Hills Credit Union, about 100 yards from Vons Gas.

At 11:29:43 a.m. civilian [REDACTED] entered Vons Gas through the front door. The locking mechanism to the front door had disengaged allowing entry. Huffman, apparently having observed [REDACTED] enter, began to run back towards the store. Huffman quickly entered Vons Gas and pulled his pistol from his right hip area. A total of five people were now in the store, including Huffman, [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. [REDACTED], [REDACTED] and [REDACTED] were still locked in the office watching the incident on the surveillance monitor. [REDACTED] was standing at the front counter waiting for an attendant when Huffman enter and walked to the restroom, knock on the door and said something to the effect of "Honey, it's alright." Huffman then walked to a door behind the counter and kicked it in. He then returned to the restroom and fired three rounds into the door, kicked it in, and entered. Huffman quickly exited the store at about 11:31:18 a.m.

While Huffman was within Vons Gas, at 11:29:53 a.m. Deputy Stevenson arrived in the Vons Shopping Center parking lot in her marked patrol SUV, followed by Officer Jennings in his marked patrol SUV. Several pedestrians directed the officers to the location of Huffman near Vons Gas. Deputy Stevenson observed Huffman run and enter Vons Gas.

Deputy Stevenson parked her patrol SUV in the parking lot north of the storefront of Vons Gas. Armed with her department issued rifle, she took a tactical standing position between the open driver side door and body of her SUV. This position provided limited cover and a view of the front entrance of Vons Gas. Officer Jennings positioned his patrol vehicle behind Deputy Stevenson's SUV. Armed with his department issued rifle, he took a tactical standing position between the open passenger side door and body of Deputy Stevenson's patrol SUV. This position provided him limited cover and a view of the storefront.

At 11:30:04 a.m. civilian [REDACTED] parked his truck directly behind the Navigator, blocking it in the parking stall.

At 11:30:05 a.m. Deputy Weagle and Officer Jennings updated their respective dispatch that Huffman was inside Vons Gas.

At 11:30:13 a.m. Deputy Stevenson yelled toward Vons Gas, "Sheriff's Office come out!" Officer Jennings directed a civilian walking immediately outside the storefront not to enter and yelled, "Hands up!"

At 11:30:44 Deputy Weagle took a position behind the flat-bed portion of a green truck parked near the south corner of Vons Gas parking lot. This position provided limited cover and a view of the storefront.



**Figure 6** - Deputy Weagle's location when shooting. **Figure 5** - Deputy Stevenson's location when shooting.

At 11:31:06 a.m. inside Vons Gas, Huffman pulled his pistol from his back right hip area, took a firing stance and shot the handle to the bathroom door. Huffman then forced open the door and entered the bathroom.

At 11:31:09 a.m. Deputy Weagle broadcasted "I hear shots fired inside." Officer Jennings immediately followed with, "Shots fired inside. Shots fired inside."

At 11:31:18 a.m. Huffman exited Vons Gas with his pistol in his right hand, lowered and pointed downward. Deputy Stevenson immediately yelled, "Put your hands in the air!" Huffman looked in her direction and quickly turned to his right walking toward the



position of Deputy Weagle and the open driver side door of the Navigator. As he turned, Huffman began to lift his right elbow in an upward motion bringing the pistol to his right hip area. According to [REDACTED], who observed Huffman on the surveillance monitor within the office, Huffman appeared to raise the gun and “looked like he was going to shoot, going to shoot somebody.” As Huffman moved around the Navigator toward the open driver side door and Deputy Weagle, Deputy Weagle yelled, “Hey, put it down!”



**Figure 7** – Video surveillance of Huffman exiting Vons Gas with his pistol lowered in his right hand and looking towards Deputy Stevenson who yelled “Put your hands in the air.”



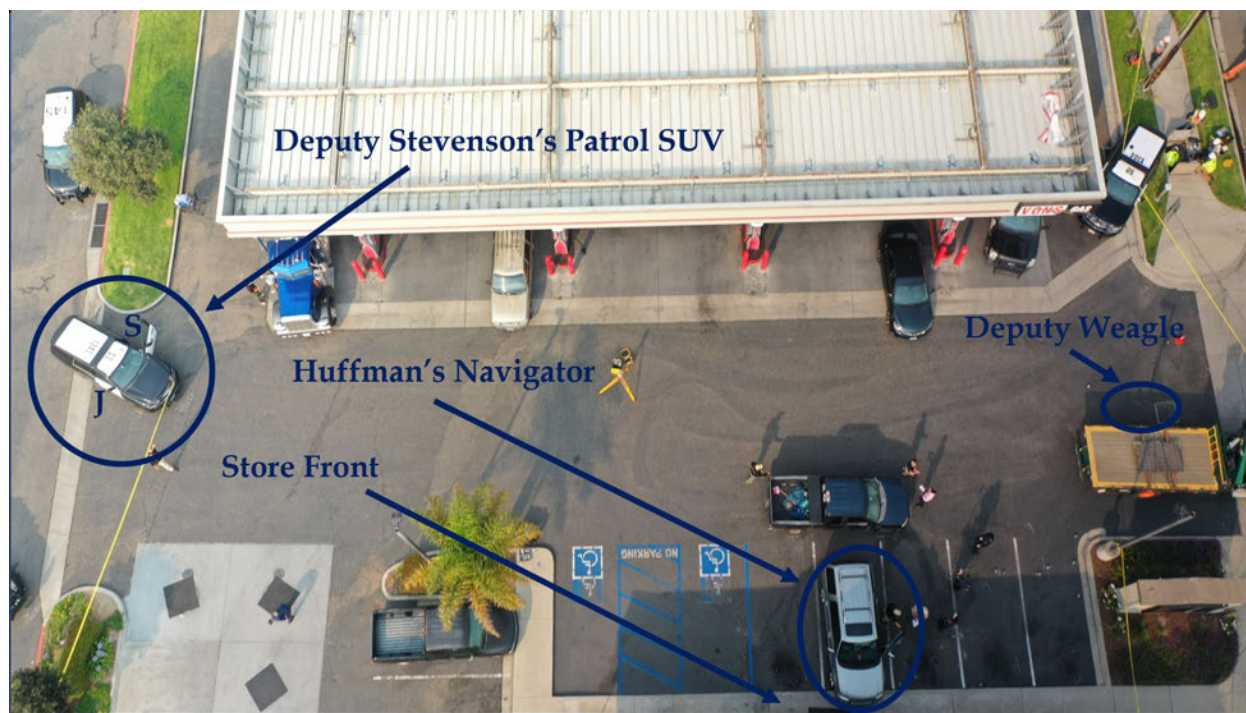
**Figure 8** – Video surveillance of Huffman lifting his right elbow as he walks in the direction of Deputy Weagle and around the front of the Navigator toward the open driver side door. Deputy Stevenson’s marked patrol SUV, with Officer Jennings posted behind the passenger side door, is in the background to the right.

At 11:31:22 a.m. Deputy Weagle and Officer Jennings fired one round each at Huffman, who fell forward and to the pavement immediately adjacent to the open driver side door of the Navigator. From their position, Deputy Stevenson and Officer Jennings were able to partially view Huffman beneath the undercarriage of the Navigator. Huffman lifted his upper body off the pavement using his forearms and elbows. They were unable to see the pistol. About 11:31:26 a.m. Officer Jennings fired two more rounds and Deputy Stevenson fired one round at Huffman. Officer Jennings immediately advised over dispatch “Shots fired. Shots fired. One down.”

At 11:32:01 Deputy Weagle broadcast that Huffman was “not listening to commands and he’s been hit.” At that point officers were not sure of Huffman’s condition and whether he continued to be a threat. They made efforts to communicate with Huffman, unsuccessfully. Adjacent areas were secured. Additional officers and assets arrived on scene, including members of the San Luis Obispo County Regional SWAT team and a Bearcat armored vehicle.

At 11:52 a.m. officers made contact with [REDACTED], [REDACTED] and [REDACTED] who were still locked in the office and learned that they were safe.

At 12:10 p.m. officers made contact with Huffman, who was deceased.



**Figure 9** – Aerial photo of the Vons Gas parking lot showing the location of involved peace officers, the Navigator, and Vons Gas storefront. Near Deputy Stevenson’s patrol SUV, “S” is the position of Deputy Stevenson and “J” is the position of Officer Jennings at the time of the shooting.

Deputies Weagle and Stevenson and Officer Jennings provided voluntary statements reciting their observations, perceptions and actions, that lead to their use of deadly force.

#### San Luis Obispo County Deputy Sheriff Daniel Weagle

At the time of this incident Deputy Weagle had been a San Luis Obispo County Deputy Sheriff for approximately four months. Prior to that he was as peace officer for nine years with the Capitola Police Department in Santa Cruz County, California. During this incident he was a solo officer assigned a black and white Chevy Tahoe, equipped with an emergency light bar and sheriff's emblem on both driver and passenger side doors. He was wearing a tan short sleeved shirt with a Sheriff's emblem on both shoulders, a badge over his left breast area and nametag over the right, a duty belt and green pants.

At the time he fired his weapon, Deputy Weagle was in a tactical standing position behind the flat-bed portion of a semi-truck parked near the south entrance of Vons Gas parking lot. He was aware that a subject armed with a pistol had engaged in active shooting in the area of the shopping center, believed that someone was "most likely hit", and that there may be a hostage situation. He was informed that the subject had reloaded the firearm, indicating the subject had additional ammunition and had fired many shots. Shortly after taking a position behind the flat-bed Deputy Weagle heard "approximately 5 or 6 shots from inside" the store. At that point he thought the subject was "executing people" inside. Deputy Weagle had the intent of keeping the shooter contained to avoid him shooting officers or civilians outside of the store.

As Huffman exited, Deputy Weagle saw the pistol in his right hand. Huffman was wearing sunglasses, but appeared to look towards the position of Deputy Stevenson who commanded "put your hands in the air!" Huffman turned to his right and began to lift his right elbow. Deputy Weagle ordered "Hey, put it down!" Huffman did not comply. Deputy Weagle described his observations and mindset as follows: "[Huffman] continued to advance towards me...I saw his elbow come up and him having a gun in his right hand, I believe he was going to shoot me or shoot - there were multiple people over by the gas pumps, there were multiple people in the roadway. There were multiple people in the parking lots...I thought he was gonna just start shooting people again. So, I made the decision to fire a round."

#### San Luis Obispo County Deputy Sheriff Chelsea Stevenson

At the time of this incident Deputy Stevenson had been a San Luis Obispo County Deputy Sheriff for just over 2 years. During this incident she was a solo officer assigned a black and white Chevy Tahoe, equipped with an emergency light bar and sheriff's emblem on both driver and passenger side doors. She was wearing a tan short sleeved shirt with a Sheriff's emblem on both shoulders, a badge over her left breast area and nametag over the right, a duty belt and green pants.

At the time she fired her weapon, Deputy Stevenson was in tactical standing position between the open front driver side door and body of her patrol SUV, which provided her a degree of cover and a view of the entrance to Vons Gas. She was aware that Huffman

had been an active shooter in the area near Tefft Street. She had received information (although incorrect) that several individuals were injured as a result of the shooting. On arrival, a bystander alerted her that Huffman was armed with a handgun near Vons Gas. She saw him run and enter the store. While positioned between the open door and body of her patrol SUV, she heard two or three gunshots from within Vons Gas. She feared that the subject was “killing the people that were inside.” She was aware of several civilians in the immediate area of the fuel station and along Tefft Street, describing the location as “the busiest area in Nipomo.”

As Huffman exited the store his “body language was aggressive and [Deputy Stevenson] felt like he was going to continue shooting.” Deputy Stevenson recalled commanding something to the effect of “show me your hands.” She observed Huffman looking in her direction then turning to his right towards Deputy Weagle’s position and the driver side of the Navigator. She observed Huffman’s right elbow moving upward but was unable to see his right hand as it was blocked by his body. At that point, she recalls hearing Deputy Weagle yell something to the effect of “drop it.” She was “terrified” that Huffman was about to shoot Deputy Weagle and believed that if Huffman was not stopped “he could have killed others in the public as well as my partner.” She heard a gunshot and saw Huffman fall to the pavement. Although Huffman was on the ground on the opposite side of the Navigator, she could see him beneath the undercarriage, but could not see the pistol. Huffman continued to move in what she feared was “a motion as to shoot Deputy Weagle” so she fired a single shot underneath the Navigator.

#### California Highway Patrol Officer Jason Jennings

At the time of the incident Officer Jennings was an officer with the California Highway Patrol for 18 years. During this incident he was a solo officer assigned a black and white Ford Explorer SUV, equipped with an emergency light bar and CHP emblems on both driver and passenger side doors. He was wearing a dark blue short sleeved shirt with CHP emblems on both shoulders and name on the chest and dark blue pants with a duty belt.

At the time of the shooting Office Jennings was in a tactical standing position between the open front passenger side door and body of Deputy Stevenson’s patrol SUV. This position provided limited cover and a view of the entrance to Vons Gas. He believed (incorrectly) that Huffman had shot several people and had attempted to car-jack another. He was aware that Huffman had been actively shooting in the vicinity of Vons Gas and Tefft Street. While in position he heard three gunshots from within Vons Gas and was concerned that Huffman had shot people inside the store. The fact that Huffman exited the store shortly after the shots were fired elevated this concern. As Huffman exited Vons Gas he turned to his right and moved toward the position of Deputy Weagle. Officer Jennings recalls seeing the pistol in Huffman’s right hand and believed he was going to shoot Deputy Weagle and the civilians gathered in the area near Tefft Street. Officer Jennings noted that Huffman had “already shown that he was going to shoot and move” and he was still actively shooting within Vons Gas. He believed that if Huffman was allowed to engage, he would “shoot those people across the street and shoot at

[Deputy Weagle]. Or shoot at those people driving by. It was completely one hundred percent, box checked, he was gonna kill somebody out there.” Officer Jennings summarized, “I had my shooter, holding a gun, heading towards potential victims, and [Deputy Weagle].” Officer Jennings fired one shot at Huffman. Huffman fell to the ground at the opposite side of the Navigator. Officer Jennings could see him continue to move from beneath the undercarriage, but could not see the pistol. Knowing that Huffman was moving and still had access to his pistol, Officer Jennings perceived him as a continued lethal threat and fired two more rounds at him.

### **EVIDENCE COLLECTED**

Two hundred-eighty items of physical evidence were collected from the shooting scene, the Navigator and Huffman’s residence. The salient evidence is discussed herein.

#### **Expended Ammunition Casings**

A single expended Hornady 5.56 casing was located in the parking lot area where Deputy Weagle was positioned at the time of the shooting. The casing was consistent with the type of ammunition loaded in the rifle of Deputy Weagle and the author believes this casing to have been ejected from his rifle.

A single expended Hornady 5.56 casing was located on the driver side floorboard of Deputy Stevenson’s patrol SUV, adjacent to where she was at the time of the shooting. The casing was consistent with the type of ammunition loaded in the rifle of Deputy Stevensons and the author believes this casing to have been ejected from her rifle.

A single expended Speer .223 casing was located in the parking lot area where Officer Jennings was positioned at the time of the shooting. The casing was consistent with the type of ammunition loaded in the rifle of Officer Jennings and the author believes this casing to have been ejected from his rifle. The investigation established that Jennings fired three shots: one while Huffman was walking at the front of the Navigator and two more while Huffman continued to move on the ground. The two additional casings that would have been ejected from Officer Jennings rifle were not located.

Twenty-one expended .40 caliber Winchester S&W casings and various bullet fragments were retrieved from the south end of the Vons Gas parking lot and adjacent to the Vons Gas store front. A sample of these casings were forensically compared to known exemplars fired from Huffman’s Glock 22. (See Spent Casing Analysis, below).

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**Figure 10** – Entrance to Vons Gas convenience store showing array of evidence items, many of which are casings expended from Huffman's pistol.

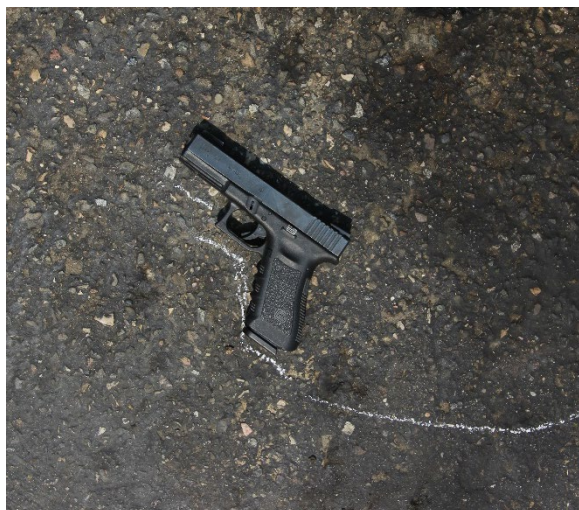
### Glock Semi-Automatic Handgun

A .40 caliber Glock G22 semi-automatic handgun was located on the asphalt, partially concealed under Huffman's right elbow and right midsection after the shooting. A magazine seated in the firearm contained six live rounds. One additional round was chambered. The pistol was registered to Huffman.

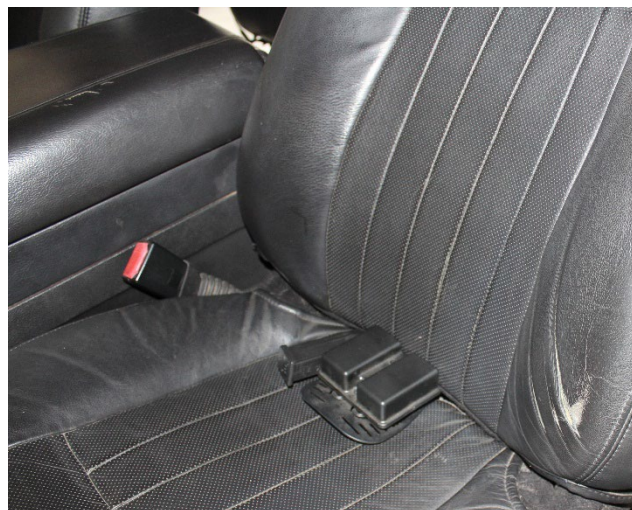
### The Navigator

The 2006 Lincoln Navigator, California license plate number [REDACTED], registered owner Scott Huffman, was searched pursuant to a judge authorized search warrant. The Navigator was located in a parking stall facing west at the Vons Gas store front depicted in Figure 9, above. The following items of note were located therein.

- Empty hard plastic double ammunition magazine holder was located on the driver seat.
- Empty Glock 10 round .40 caliber ammunition magazine was located on the driver seat.
- Empty black leather holster was located on the driver side floorboard.
- A bible with numerous handwritten notes, highlighted passages, and earmarked pages was located behind the driver seat.



**Figure 11** - Glock pistol used by Huffman.



**Figure 12** - Empty magazine and magazine pouch.

### ADDITIONAL EVIDENCE

#### Autopsy

On August 25, 2020, an autopsy was performed on Huffman by Forensic Pathologist Dr. Joye Carter, MD. The cause of death was confirmed as being multiple gunshot wounds to the torso. Huffman received three gunshot wounds: one superficial wound to the left shoulder area and two with entry at the left flank-rib area. Seven projectile fragments were recovered from his body. The seven fragments were compared to ammunition contained in the rifles of the involved peace officers. (See Projectiles Extracted From Huffman, below).

#### Huffman's Residence

Huffman's █████ County residence was searched pursuant to a judge authorized search warrant. The residence contained several firearms and a significant amount of firearm ammunition.

#### Interviews with Family and Friends

Interviews were conducted with friends and family members of Huffman. Nothing unusual was noted, historically. There appeared to be no new major life stressors. There was no evidence of substance abuse or recreational use of controlled substances other than cannabis. Huffman had no documented history of mental illness, although it was suspected and he had been acting odd for the few months prior to the incident. All individuals noted that Huffman had become fixated on religion in the two months or so leading up to the incident. He was particularly focused on the end of the world or "end times" and the book of Revelation. One person described Huffman as having delusions related to vaccination and the planting of micro-chips. At least one person observed that Huffman's preoccupation with religion had caused him to become more patient and softer spoken. No one interviewed would have expected Huffman to act in such a violent way.

About two hours after the shooting incident, detectives interviewed [REDACTED], [REDACTED], [REDACTED] who was with him in the Navigator immediately prior to the incident. She described Huffman's recent preoccupation with religion. She stated that it was a consistent theme in the weeks leading up to the incident. She provided that moments before the incident while seated in the Navigator, Huffman was speaking in a way that was difficult for her to understand. He was again focusing on themes of religion, stating that he had been talking to God. [REDACTED] told Huffman she needed to use the restroom badly. Huffman asked [REDACTED] what she thought would happen if he politely asked the store clerks for money and that he was going to get the key to the restroom for her. Huffman unexpectedly retrieved his pistol from the center console and an argument ensued during which [REDACTED] attempted to prevent him from removing the gun. Huffman quickly grabbed the pistol and left the vehicle. [REDACTED] fled the area as Huffman attempted to enter the store.

### **PHYSICAL EVIDENCE PROCESSING**

#### **Spent Casing Analysis**

Huffman's Glock G22 was test fired and three exemplar casings were sent to the Bureau of Alcohol, Tobacco, Firearms and Explosives for comparison to the .40 caliber Winchester S&W casings recovered at the scene. The .40 caliber casings collected on scene were determined to have been fired from the Glock G22.

#### **Projectiles extracted from Huffman**

During an autopsy seven projectile fragments were recovered from Huffman's body. Two of the seven fragments were of sufficient quality to identify characteristics consistent with the Speer Gold Dot ammunition used by Officer Jennings and inconsistent with the Hornady ammunition used by Deputies Weagle and Stevenson. Five of the seven fragments possessed insufficient detail to make a valid comparison. For the purpose of this evaluation, the author believes the two identifiable fragments came from from bullets fired by Officer Jennings.

### **TOXICOLOGY RESULTS**

Forensic testing of Huffman's blood revealed 1.9 ng/ml of delta-9-THC (a psychoactive constituent in cannabis) and 5.5 ng/ml delta-9-THC-COOH (a metabolite of delta-9-THC). These levels are consistent with cannabis use sometime in the preceding 24-hours.

### **CRIMINAL HISTORY**

Huffman has no prior criminal history.



## STANDARD LEGAL PRINCIPLES IN OFFICER-INVOLVED SHOOTING CASES

Possible criminal charges against an officer involved in a fatal shooting include murder [Penal Code Section 187]; manslaughter [Penal Code Section 192]; assault with a deadly weapon [Penal Code Section 245]; negligent discharge of a firearm [Penal Code Section 246.3] and assault by a police officer [Penal Code Section 149]. Possible criminal charges against an officer involved in a non-fatal shooting include assault with a deadly weapon [Penal Code Section 245]; negligent discharge of a firearm [Penal Code Section 246.3]; and assault by a police officer [Penal Code Section 149].

For an officer to be criminally liable of any of these charges it would be necessary to prove beyond a reasonable doubt that no legal justification existed for the officer's actions. (*People v. Adrian* (1982) 135 Cal.App.3d 335, 340-342.). Penal Code Sections 26, 196, 197 and 835a list several justifications for the use of force, including deadly force, that may apply in any given case.

Penal Code section 26 subdivision (3) precludes criminal liability for those who act under a mistake of fact that disproves the required criminal intent. This legal principle is recited in the pattern criminal jury instruction authored by the Judicial Council of California, CALCRIM 3406: an accused is not guilty of the crime charged if he or she did not have the intent or mental state required to commit the crime because they were reasonably unaware of a fact or reasonably believed a fact to be true when it was not. Put another way, an individual does not act unlawfully if they commit an act based on a reasonable and honest belief that certain facts and circumstances exist which, if true, would render the act lawful. (*People v. Reed* (1996) 53 Cal.App.4<sup>th</sup> 389, 396.).

Penal Code Section 196 provides that use of deadly force by a public officer is justifiable when done in compliance with Penal Code section 835a.

Penal Code Section 197, provides that the use of deadly force is justified when used to thwart the imminent threat of death or serious bodily injury to oneself or others. Similarly, the pattern criminal jury instruction authored by the Judicial Council of California, CALCRIM 3470, permits a person being assaulted to defend themselves from attack if, as a reasonable person, they had grounds for believing and did believe that bodily injury was about to be inflicted upon them or upon another person. In doing so, such person may immediately use all force and means which they believe to be reasonably necessary, and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to defend against that danger and to prevent the injury which appears to be imminent. The person's right of self-defense or defense of others is the same whether the danger is real or merely apparent. (*People v. Jackson* (1965) 233 Cal.App.2d 639, 641-642.).

Additionally, a person who has been threatened or harmed by another in the past or reasonably believes that the person has harmed others may be justified in acting more quickly or taking greater defensive measures against that person.

Finally, a person is not required to retreat and is entitled to stand their ground and defend themselves and, if reasonably necessary, to pursue the assailant until the danger has passed. This is so even if safety could have been achieved by retreating.

Specific to peace officers, Penal Code Section 835a allows an officer to use objectively reasonable force to effect an arrest, prevent escape, or to overcome resistance. The decision to use force and what level of force to use is evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to the officer at the time, rather than with the benefit of hindsight. The “totality of the circumstances” shall be considered when officers are forced to make quick judgments about using force and the level of force to employ. (Penal Code Section 835a(a)(4).) The term “totality of the circumstances” includes all facts known to the peace officer at the time, including the conduct of the particular officer and the subject leading up to the use of deadly force. (Penal Code Section 835a(e)(3).) Although an officer's pre-shooting conduct is to be considered as part of the totality of circumstances surrounding the use of force, the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. (*Koussaya v. City of Stockton* (2020) 54 Cal.App.5<sup>th</sup> 909, 935-936.).

Penal Code Section 835a provides that a peace officer is justified in using deadly force in two primary circumstances; (1) when the officer reasonably believes that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person or (2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. In the context of the fleeing felon, where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts. (Penal Code Sections 835a(c)(1)(A) and 835a(c)(1)(B), respectively). In determining whether deadly force is necessary, an officer shall evaluate the circumstances of each situation independently and use other available resources and techniques if reasonably safe and feasible to do so. (Penal Code Section 835a(a)(2).).

Consistent with case law, Penal Code Section 835a maintains the principle that a police officer, acting in compliance with this section, who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested, nor shall such officer be deemed an aggressor or lose their right to self-defense by the use of objectively reasonable force to effect the arrest or to prevent escape or to overcome resistance. (Penal Code Section 835a(d).).

The Legislature, in enacting Penal Code Section 835a, included specific findings and declarations as guidance on applying the section, in summary:

- (1) Use of force should be exercised judiciously and with respect for human rights and dignity; that every person has a right to be free from excessive uses of force;
- (2) Use of force should be used only when necessary to defend human life and peace officers shall use alternative resources or de-escalation techniques if it is reasonable, safe, and feasible to do so;
- (3) Use of force incidents should be evaluated thoroughly with consideration of gravity and consequence, lawfulness and consistency with agency policies;
- (4) The evaluation of use of force is based upon a totality of the circumstances, from the perspective of a reasonable officer in the same situation, accounting for occasions when an officer may be forced to make quick judgements about using force; and
- (5) Those with disabilities may be affected in their ability to understand and comply with peace officer commands, and suffer a greater instance of fatal encounters with law enforcement, therefore.

Additionally, Penal Code Section 834a requires that if a person has knowledge, or by the exercise of reasonable care, should have knowledge, that he is being arrested by a peace officer, that person must refrain from using force or any weapon to resist such arrest.

Nevertheless, the above justifications must be interpreted considering United States Supreme Court precedent that limits the right of a police officer to use deadly force. (*People v. Martin* (1985) 168 10 Cal.App.3d 1111, 1124.). Thus, in *Tennessee v. Garner* (1985) 471 U.S. 1, 3, the United States Supreme Court ruled that a police officer is entitled to use deadly force only when “the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” This limitation was, however, clarified subsequently by the United States Supreme Court in the seminal case of *Graham v. Connor* (1989) 490 U.S. 386, wherein the Supreme Court explained that an officer’s right to use force [i.e., their weapon] is to be analyzed under the Fourth Amendment’s “objective reasonableness” standard. The Supreme Court further stated that the determination of the reasonableness of an officer’s use of force “must embody allowance 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” (*Id.* at 396-397.). The United States Supreme Court’s analysis and teachings in *Graham* are applicable to the circumstances surrounding the interactions of the three law enforcement personnel involved in this use of deadly force incident.

It is well settled that:

“[U]nlike private citizens, police officers act under color of law to protect the public interest. They are charged with acting affirmatively and using force as part of their duties, because ‘the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effectuate it.’ Police officers are, in short, not similarly situated to the ordinary battery defendant and need not be treated the same. In these cases, then, the ‘...police officer is in the exercise of the privilege of protecting the public peace and order and he is entitled to the even greater use of force than might be in the same circumstances required for self-defense.” (*Brown v. Ransweiler* (2009) 171 Cal.App.4th 516, 527.).

Where potential dangerous, emergency conditions or other exigent circumstances exist, the California Courts of Appeal have noted that the United States Supreme Court's definition of reasonableness is comparatively generous to the police. The court in *Brown* noted that in effect, “the Supreme Court intends to surround the police who make these on-the-spot choices in dangerous situations with a fairly wide zone of protection in close cases. A police officer's use of deadly force is reasonable if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” (*Brown, supra*, 171 Cal.App.4th at p. 528.).

“As long as an officer's conduct falls within the range of conduct that is reasonable under the circumstances, there is no requirement that he or she choose the ‘most reasonable’ action or the conduct that is the least likely to cause harm and at the same time the most likely to result in the successful apprehension of a violent suspect... It would be unreasonable to require police officers in the field to engage in the sort of complex calculus that would be necessary to determine the “best” or most effective and least dangerous method of handling an immediate and dangerous situation, particularly when officers are forced to make split-second decisions under tense and often perilous conditions.” (*Brown, supra*, 171 Cal.App.4th at pp. 537-538.).

## LEGAL ANALYSIS

Our review is solely to determine if the involved law enforcement officers' use of deadly force violated California criminal law subjecting one or any of them to criminal prosecution. Put differently, whether the evidence establishes criminal liability beyond a reasonable doubt considering all reasonably foreseeable justifications. This opinion is based on the impartial review of the final investigative summary and evidentiary items listed in **Attachment A** of this report. As previously noted, to support a criminal filing on any of the involved law enforcement officers that employed deadly force, the prosecution must prove beyond a reasonable doubt that no legal justification existed for the officers' conduct. If an officer acted in accordance with Penal Code section 835a, in lawful self-defense or in lawful defense of another, then criminal charges are not legally

or ethically justified. Similarly, if an officer mistakenly acted on the reasonable and honest belief that certain facts were true at the time of the shooting which, if true, would render the act lawful then criminal charges are not legally or ethically justified.

## **SELF-DEFENSE AND DEFENSE OF OTHERS**

### Deputy Daniel Weagle

Deputy Weagle acted in reasonable and necessary self-defense and defense of others pursuant to Penal Code Section 835a(c)(1)(A) when he fired one shot at Huffman.

Prior to employing deadly force Deputy Weagle was aware that Huffman was armed with a pistol and had, moments prior, shot indiscriminately across heavily trafficked Tefft Street striking a fire truck and endangering many civilians present in the area downrange. Deputy Weagle had been informed that there were likely individuals struck by the gunfire and that Huffman had attempted to take a person hostage. He was informed that the Huffman had reloaded his firearm, indicating the availability of additional ammunition. Shortly after taking a position behind the flat-bed portion of the semi-truck Deputy Weagle heard “approximately 5 or 6 shots from inside” Vons Gas. At that point Deputy Weagle perceived that Huffman was “executing people” within the store. Based on these beliefs, Deputy Weagle was reasonably determined to keep Huffman contained to avoid him shooting others outside of the store.

When Huffman exited, he held the pistol in his right hand in a downward position. Deputy Stevenson commanded “put your hands in the air.” He did not comply and began to raise his right arm as he moved towards Deputy Weagle’s position. Deputy Weagle himself commanded “Hey, put it down,” referring to the pistol. Again, Huffman did not comply.

An individual may use deadly force to defend themselves or another against the unprovoked and imminent threat of death or great bodily injury. Here, Deputy Weagle reasonably believed that Huffman was either immediately aggressing on him with the intent to shoot or was an imminent threat to shoot civilians who were present in the immediate area.

The right to self-defense and defense of another is the same whether the danger is real or merely apparent. That is to say, even if Huffman was in-fact attempting to enter the open driver side door of the Navigator and flee, under the totality of the circumstances, Deputy Weagle’s belief that he and nearby civilians were in imminent danger of being shot was reasonable. Additionally, an individual is not required to retreat and is entitled to stand their ground and defend themselves and, if reasonably necessary, to pursue the assailant until the danger has passed.

Finally, an individual who reasonably believes that the person has harmed others may be justified in acting more quickly or taking greater defensive measures against that person. Here, Deputy Weagle was aware that only moments before Huffman had shot

up the store front, had shot indiscriminately across heavily trafficked Tefft Street, and believed he had executed people within Vons Gas just seconds prior to exiting armed with a pistol.

Based on the critical situation Deputy Weagle was confronted with, he made the following reasonable assessment: "I believe[d] he was going to shoot me or shoot – there were multiple people over by the gas pumps, there were multiple people in the roadway. There were multiple people in the parking lots...I thought he was gonna just start shooting people again. So, I made the decision to fire a round."

#### Deputy Chelsea Stevenson

Deputy Stevenson acted in reasonable and necessary defense of Deputy Weagle and civilians in the immediate area when she fired one shot at Huffman. As such, her use of deadly force was justified pursuant to Penal Code Section 835a(c)(1)(A).

Prior to using deadly force, Deputy Stevenson was aware that Huffman had been an active shooter in the area near Tefft Street. She had received information (although incorrect) that several individuals were injured as a result. On arrival, a bystander confirmed to her that Huffman was armed with a handgun and near Vons Gas. She saw him run and enter the store she believed to be occupied. While positioned between the open door and body of her patrol SUV, she heard two or three gunshots from within the store and feared that Huffman was "killing the people that were inside." She was also aware that several civilians were in the immediate area of the fuel station and along Tefft Street, describing the location as "the busiest area in Nipomo."

As Huffman exited the store, she observed his "body language was aggressive and [she] felt like he was going to continue shooting." Deputy Stevenson recalled yelling something to the effect of "show me your hands." He did not comply. She observed Huffman look in her direction then turn to toward Deputy Weagle's position and driver side of the Navigator. She observed Huffman's right elbow moving upward but was unable to see his right hand as it was blocked by his body. At that point, she recalls hearing Deputy Weagle yell something to the effect of "drop it." She was "terrified" that Huffman was about to shoot Deputy Weagle and believed that if Huffman was not stopped "he could have killed others in the public as well as my partner." She heard a gunshot and saw Huffman fall to the pavement. Although Huffman was on the ground on the opposite side of the Navigator, she could see him beneath the undercarriage, but could not see the pistol. Huffman continued to move in what she feared was "a motion as to shoot Deputy Weagle" so she fired a single shot underneath the Navigator.

An individual may use deadly force to defend themselves or another against the unprovoked and imminent threat of death or great bodily injury. Here, Deputy Stevenson reasonably believed that Huffman was aggressing on Deputy Weagle with the intent to shoot him and further was an imminent threat to shoot civilians who were present in the immediate area.

The right to defense of another is the same whether the danger is real or merely apparent. That is to say, even if Huffman was in-fact attempting to enter the open driver side door of the Navigator and flee, under the totality of the circumstances, Deputy Stevenson's belief that Deputy Weagle and nearby civilians were in imminent danger of being shot was reasonable.

Finally, an individual who reasonably believes that the person has harmed others may be justified in acting more quickly or taking greater defensive measures against that person. Here, Deputy Stevenson was aware that only moments before Huffman had shot up the store front, had shot indiscriminately across heavily trafficked Tefft Street, and believed he had likely shot and killed persons within Vons Gas just seconds before exiting armed with a pistol.

#### Officer Jason Jennings

Officer Jennings acted in reasonable defense of Deputy Weagle and civilians in the immediate area when he fired three shots at Huffman. As such, his use of deadly force was justified pursuant to Penal Code Section 835a(c)(1)(A).

At the time he took his initial shot at Huffman, Officer Jennings believed (incorrectly) that Huffman had shot several people and had attempted to car-jack another. He was aware that Huffman had been actively shooting in the vicinity of Vons Gas and Tefft Street. He was aware that Huffman was now in the occupied Vons Gas store. While positioned behind the passenger side door of Deputy Stevenson's patrol SUV, he heard three gunshots from within Vons Gas and was concerned that Huffman had shot the people inside. That fact that Huffman exited the store shortly after the shots were fired elevated this concern. As Huffman exited Vons Gas Officer Jennings observed him to turn and move towards the position of Deputy Weagle. He recalls seeing the pistol in Huffman's right hand and believed he was going to shoot Deputy Weagle and the civilians gathered in the area near Tefft Street. Officer Jennings noted that Huffman had "already shown that he was going to shoot and move" and he was still actively shooting within Vons Gas. He believed that if Huffman was allowed to engage, he would "shoot those people across the street and shoot at [Deputy Weagle]. Or shoot at those people driving by. It was completely one hundred percent, box checked, he was gonna kill somebody out there." Officer Jennings summarized, "I had my shooter, holding a gun, heading towards potential victims, and [Deputy Weagle]." Officer Jennings fired one shot at Huffman. Huffman fell to the ground at the opposite side of the Navigator. Officer Jennings could see him continue to move from beneath the undercarriage, but could not see the pistol. Knowing that Huffman was moving and still had access to his pistol, Officer Jennings perceived him as a continued lethal threat and fired two more rounds at him.

An individual may use deadly force to defend another against the unprovoked and imminent threat of death or great bodily injury. Here, Officer Jennings reasonably believed that Huffman was aggressing on Deputy Weagle with the intent to shoot him and further an imminent threat to shoot civilians who were present in the immediate area.

The right to defense of another is the same whether the danger is real or merely apparent. That is to say, even if Huffman was in-fact attempting to enter the open driver side door of the Navigator and flee, under the totality of the circumstances, Officer Jennings' belief that Deputy Weagle and nearby civilians were in imminent danger of being shot was reasonable.

Finally, an individual who reasonably believes that the person has harmed others may be justified in acting more quickly or taking greater defensive measures against that person. Here, Officer Jennings was aware that only moments before Huffman had shot up the storefront, had shot indiscriminately across heavily trafficked Tefft Street, and believed he had likely shot and killed persons within Vons Gas just seconds before exiting armed with a pistol.

As stated by the Court in *Brown*:

“As long as an officer's conduct falls within the range of conduct that is reasonable under the circumstances, there is no requirement that he or she choose the 'most reasonable' action or the conduct that is the least likely to cause harm and at the same time the most likely to result in the successful apprehension of a violent suspect... It would be unreasonable to require police officers in the field to engage in the sort of complex calculus that would be necessary to determine the "best" or most effective and least dangerous method of handling an immediate and dangerous situation, particularly when officers are forced to make split-second decisions under tense and often perilous conditions.” (*Brown v. Ransweiler*, supra, 171 Cal.App.4th at pp. 537-538).

### **ARMED FLEEING FELON**

All involved peace officers were justified in using deadly force by shooting at Huffman as he was reasonably perceived to be an armed fleeing felon within the meaning of Penal Code section 835a(c)(1)(B).

An officer is legally justified in the use of deadly force where: (1) the force is used to apprehend a fleeing suspect for any felony that threatened or resulted in death or serious bodily injury; (2) the officer reasonably believes that the suspect will cause death or serious bodily injury to another unless immediately apprehended; (3) prior to the use of force, where feasible, the officer makes reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the suspect is aware of those facts. (Penal Code Section 835a(c)(1)(B).).

As to the first criteria, that the force be “used to apprehend a fleeing suspect for any felony that threatened or resulted in death or serious bodily injury,” Deputies Weagle and Stevenson and Officer Jennings were aware or had an actual and reasonable belief that



Huffman had engaged in the following felonies which threatened death or great bodily injury:

- Negligent Discharge of a Firearm [Penal Code Section 246.3] for his shooting at the storefront of the occupied Vons Gas.
- Negligent Discharge of a Firearm [Penal Code Section 246.3], Assault with a Firearm [Penal Code Section 245(a)(2)] and Attempted Murder [Penal Code Section 664-187] for his shooting at and across Tefft Street, striking a fire engine and coming near civilian vehicle and pedestrian traffic downrange.
- Negligent Discharge of a Firearm [Penal Code Section 246.3] and Assault with a Firearm [Penal Code Section 245a)(2)] for his shooting within the occupied Vons Gas store seconds before exiting.

As to the second criteria, that the “officer reasonably believes that the suspect will cause death or serious bodily injury to another unless immediately apprehended,” all information indicated that Huffman would continue to threaten the lives of both civilians and law enforcement by shooting if not immediately apprehended. Deputies Weagle and Stevenson and Officer Jennings provided voluntary statements in which they expressed actual and reasonable fear that Huffman posed an imminent threat to shoot Deputy Weagle and any of a number of civilians in the immediate area if not immediately apprehended. The subjective viewpoints of the officers, who lived the experience, are consistent with the most reasonable assessment that if not apprehended Huffman would continue to engage in life threatening conduct either by use of his firearm or in the course of fleeing the scene in the Navigator.

As to the third criteria, “prior to the use of force, where feasible, the officers made reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the suspect is aware of those facts,” it is reasonable to believe that Huffman was keenly aware of law enforcement presence outside of the Vons Gas store prior to the shooting. First, while Huffman was still inside of Vons Gas, Officer Jennings yelled to a civilian attempting to enter the store to “get back!” Shortly thereafter, Deputy Stevenson shouted “Sheriff’s Office. Come out!” As Huffman exited the store, she commanded “Put your hands in the air!” Huffman appeared to look in Deputy Stevenson’s direction as she stood in full uniform behind the driver side door of her distinctly marked patrol SUV, with Officer Jennings positioned behind the passenger side door in full uniform. (See **Figure 7**) Huffman did not comply, but instead turned and walked to his right towards the position of Deputy Weagle and the open driver side door of the Navigator. Deputy Weagle then commanded “Hey, put it down!” He did not comply, but began to raise his right arm holding the pistol. The situation quickly escalated when Huffman did not comply and began to raise the hand holding his pistol. It was not feasible to give additional commands or to employ de-escalation techniques. If Huffman was going to shoot, which

each officer reasonably believed he would, the threat of great bodily harm or death to a fellow deputy and civilian bystanders was imminent.


The fact that three officers fired does not change the justification of each officer's decision to shoot. In this circumstance, each individual officer made the subjective decision to shoot to neutralize the immediate threat to themselves and the adjacent public. As stated by our Supreme Court "it stands to reason that if police officers are justified in firing at a suspect in order to end a severe threat to public safety, the officers need not stop shooting until the threat has ended." (*Plumhoff v. Rickard* (2014) 572 U.S. 765, 777.).

### CONCLUSION

Based upon a review of the Sheriff's final investigative summary and the evidence and exhibits described in **Attachment A** of this report, and pursuant to the controlling legal principles, it is our legal opinion that there is no criminal culpability on the part of the involved peace officers in this shooting incident. There is reliable evidence that each officers' actions were reasonable, necessary, and justified under the totality of the circumstances when they shot or shot at Scott Cameron Huffman on August 21, 2020.

Accordingly, the San Luis Obispo County District Attorney's Office has closed its inquiry into this shooting incident.

  
Eric J. Dobroth, Assistant District Attorney

  
Read and approved by:  
Dan Dow, District Attorney

CC: Terry O'Farrell, Chief Investigator, District Attorney Bureau of Investigations  
Greg Klingenberg, Captain, California Highway Patrol  
Rita Neal, County Counsel

# ATTACHMENT "A"

## San Luis Obispo County Sheriff's Office Case # 2008-06301

### EXHIBITS

1. Transcript of statement of [REDACTED]
2. Transcript of statement of [REDACTED]
3. Transcript of statement of San Luis Obispo County Deputy Sheriff Daniel Weagle
4. Transcript of statement of San Luis Obispo County Deputy Sheriff Chelsea Stevenson
5. Transcript of statement of California Highway Patrol Officer Jason Jennings
6. Transcribed civilian witness statements
7. Transcribed witness officer statements
8. Transcript of statement of [REDACTED]
9. Transcript of statements from [REDACTED] and [REDACTED]
10. Transcript of statement of [REDACTED]
11. Synopsis of statement of [REDACTED]
12. Transcript of statements of CAL FIRE Firefighters
13. Transcript of statement of [REDACTED]
14. Transcript of statement of [REDACTED]
15. Photographic documentation of crime scene
16. CHP Multidisciplinary Accident Investigation Team (MAIT) Report and Scan
17. Photographic documentation of Scott Huffman's vehicle
18. Photographic documentation of Scott Huffman's residence
19. San Luis Obispo County Coroner's Report #18971
20. Photographic documentation of Scott Huffman's pistol
21. Bureau of Alcohol, Tabaco, Firearms and Explosives Report No. 784066-20-0054
22. California Department of Justice Ballistics Report No. B-20-000754-0001
23. Transcript of Law Enforcement/Fire Radio Traffic
24. San Luis Obispo County Sheriff's Office RMS Report 2008-06301
25. Scott Huffman Timeline August 20, 2020 through August 21, 2020
26. Video Addendum #1 - [REDACTED] mobile phone video
27. Video Addendum #2 - Deputy Chelsea Stephenson's In-Unit Video
28. Video Addendum #3 - Deputy Daniel Weagle's In-Unit Video
29. Video Addendum #4 - CHP Office Jason Jennings MVARs In-Unit Video
30. Video Addendum #5 - Vons Gas Surveillance Videos
31. Video Addendum #6 - Sheriff's Office POD Videos