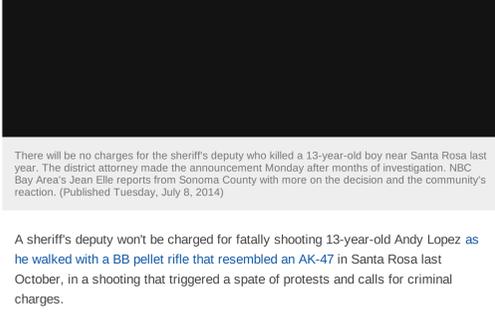


No Charges in Shooting of 13-Year-Old Andy Lopez By Sonoma County Sheriff's Deputy

By Mark Matthews, NBC Bay Area Staff and Wire Services



There will be no charges for the sheriff's deputy who killed a 13-year-old boy near Santa Rosa last year. The district attorney made the announcement Monday after months of investigation. NBC Bay Area's Jean Elle reports from Sonoma County with more on the decision and the community's reaction. (Published Tuesday, July 8, 2014)

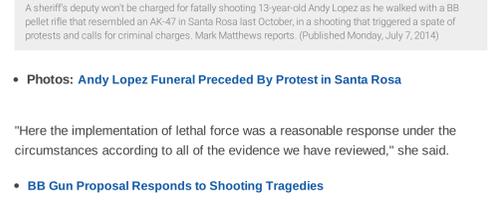
A sheriff's deputy won't be charged for fatally shooting 13-year-old Andy Lopez as he walked with a BB pellet rifle that resembled an AK-47 in Santa Rosa last October, in a shooting that triggered a spate of protests and calls for criminal charges.

Sonoma County District Attorney Jill Ravitch announced the decision not to file criminal charges on Monday afternoon.

Deputy Who Shot Santa Rosa Boy Returns to Work

Sheriff's Deputy Erick Gelhaus shot Lopez seven times on Moorland Avenue just outside of Santa Rosa on Oct. 22, 2013. The teen died at the scene.

Ravitch called the shooting of Lopez "absolutely tragic," but said the actions of Sonoma County sheriff's Deputy Erick Gelhaus were lawful and that he would not be charged.



A sheriff's deputy won't be charged for fatally shooting 13-year-old Andy Lopez as he walked with a BB pellet rifle that resembled an AK-47 in Santa Rosa last October in a shooting that triggered a spate of protests and calls for criminal charges. Mark Matthews reports. (Published Monday, July 7, 2014)

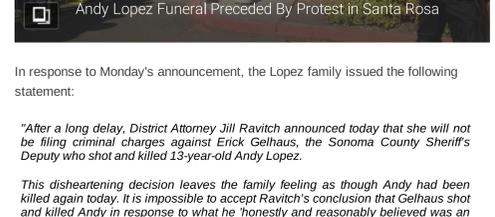
Photos: Andy Lopez Funeral Preceded By Protest in Santa Rosa

"Here the implementation of lethal force was a reasonable response under the circumstances according to all of the evidence we have reviewed," she said.

BB Gun Proposal Responds to Shooting Tragedies

Gelhaus told investigators he ordered Lopez to drop the rifle, but the barrel of the gun rose as the teen turned toward the deputies' patrol car. Gelhaus, who said he feared for his life, fired eight shots at Lopez, who was struck by seven bullets and was pronounced dead at the scene.

The district attorney's office released a 52-page report on what Ravitch called an "exhaustive" investigation into the details of the shooting. The FBI is still conducting its own independent investigation.



Andy Lopez Funeral Preceded By Protest in Santa Rosa

In response to Monday's announcement, the Lopez family issued the following statement:

"After a long delay, District Attorney Jill Ravitch announced today that she will not be filing criminal charges against Erick Gelhaus, the Sonoma County Sheriff's Deputy who shot and killed 13-year-old Andy Lopez.

This disheartening decision leaves the family feeling as though Andy had been killed again today. It is impossible to accept Ravitch's conclusion that Gelhaus shot and killed Andy in response to what he honestly and reasonably believed was an imminent threat of death to himself or others. No reasonable officer in such circumstances could believe he was encountering anything but a teenager with a toy gun on a sunny afternoon in a residential area.

Erick Gelhaus' exaggerated and careless response deserves a truly transparent and impartial evaluation. Ms. Ravitch's conclusion is a mockery of justice and confirms that her office cannot meaningfully sit in judgment of local law enforcement. This cowardly political decision sends the tacit message that law enforcement officials who use excessive force in Sonoma County will not suffer meaningful consequences and, instead, will enjoy immunity from local prosecution.

The family, through their attorney, will petition the U.S. District court for the immediate lifting of the stay of the proceedings as to Erick Gelhaus and thereby allow the civil case to move forward as to him and Sonoma County.

The family will also urge the Civil Rights Division of the U.S. Attorney's office to conduct an impartial investigation as to the shooting and killing of Andy Lopez.

Lastly, for those who share their anguish over this decision, the family asks that the Sonoma County community to continue to observe peace."

Sonoma County Sheriff Steve Freitas also released a statement about Ravitch's decision, saying his "heart goes out to the friends of Andy Lopez, the involved deputies, and the entire Sonoma County community during this difficult time."

Police Submit Investigation Results of Andy Lopez Killing

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"We as a community need to come together to find every possible way to minimize the potential of a tragic incident like this from happening again," Freitas said.

About a dozen protesters were gathered outside the building where Ravitch disclosed the results of her review.

Human rights attorney Jonathan Melrod has led the charge against the sheriff's department and Deputy Gelhaus in numerous protests since the shooting.

"He was shot because he was a kid carrying a toy gun where kids play," Melrod said. "The militarization of the police is evolving into 'us versus them.'"

Illegal Fireworks Cost South Bay Man Both His Hands

Community organizer Nicole Guerra, whose son was Lopez's friend, said it is ridiculous that "police can use the excuse they were in fear of their lives."

"Kids are in fear because they know cops can get away with it," Guerra said. "He should have known that was a toy."

And on Monday night, protesters gathered at the Andy Lopez memorial and continued to voice their anger and opposition to the decision.

Daniel Lopez brought his 12-year-old son to the rally. He said the DA's decision deepens his fear of law enforcement.

"The same thing can happen to him or to any of us," Daniel Lopez said.

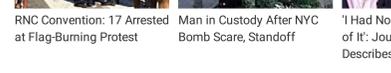
With criminal charges off the table in the Lopez case, mothers like Christina Garcia said they wonder how she and other families can be sure their kids are safe.

"I have kids, and I have teenager boys," Garcia said. "Something needs to stop this."

Protesters said they plan to gather at the district attorney's office Tuesday to make sure she is aware of their anger.

Bay City News contributed to this report.

Published at 12:30 AM PDT on Jul 8, 2014



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Elsa Blue Nicole Guerra stated that the deputy should have known that the gun Lopez was carrying was a toy. An ignorant statement by an ignorant person. How the hell was this deputy supposed to know it was a toy? Why should the deputy have to possibly risk his life to find out it was a toy and most likely get shot if it was in fact real. Lopez is the one who should have known better, carrying a toy gun that looks like a real gun in public was an incredibly stupid thing to do. I don't care that Lopez was 13, he's old enough to shoot and kill a cop. Lopez's family is angry because the decision not to file against the deputy isn't a good thing for their lawsuit.

David Phillips Even if he believed it to be real, he is still expected to properly assess the situation. Lopez did not run up on him and force him to make a split second decision. Gelhaus rode up on him from behind, yelled something, and then shot the kid when he turned around the see who was yelling in his direction. Beyond reckless.

Elsa Blue If someone is stupid enough to walk around with a weapon whether it is a toy or real, they better be prepared for whatever consequences that await them. An officer does not have to wait for someone to point a gun at him/her to stop the threat, if they did then he/she would die! This should be a lesson to every kid who thinks it's cool to walk around with a gun whether it is real or not. Play with video games and not toy guns. This is a tragic story, but not in any way criminal.

James Moon - University of North Texas David Phillips Pretend you were that police officer. You try to get him to put the "gun" down, and then all of sudden the barrel is facing towards you. What is your immediate reaction? You need to stop being so naive and understand the situation before you make a baseless comment.

me this is BEYOND ridiculous! These people act like 13 year old ARENT shooting up schools on a weekly basis! Had this cop not shot him & the gun was real, they'd be protesting about that. WHAT I want to know is WHERE ARE THE PARENTS WHO BOUGHT THIS KID THE GUN, LET HIM REMOVE THE CAP TO LOOK REAL & THEN LET HIM LEAVE THE HOUSE WITH IT? Now we got a cop who DID HIS JOB on the block calling him a racist and suggesting that others "hunt" him? Etfin DISGUSTING.

Cindy Ortiz There is no doubt that piece looks like the real deal no question about that... but please did the officer have to gun this kid down to the death? Sorry not buying that!

me unfortunately, yes... What a person is holding a automatic weapon they could easily spray a large area with bullets with little effort. Now, if the gun was not w/i reach of the wounded kid... He shouldn't have continued shooting.

David Phillips Manslaughter is the unlawful killing of a human being without malice.

me It's very debatable that Gelhaus exercised due caution and circumspection in the 10 seconds between seeing Lopez and shooting him dead. A non-LEO would certainly be charged if they shot Lopez under the same circumstances. I guess that means LEO is held to a lower standard of the law.

James Peron - University of Connecticut Gelhaus is a killer and should be in prison. Let us be clear what tapes indicated. He pulled up, did NOT appraise the situation, screamed at the boy, who then started to turn around and was then shot dead because Gelhaus did NOT allow time for the boy to understand what was going on and respond. A citizen who did that to a cop would be deep water and prosecuted. Cops should be held to HIGHER standards, not lower ones. This is the problem with the cops and their shoot first, discern later, attitude.

David Phillips Correct. Manslaughter is the unlawful killing of a human being without malice.

me It is of three kinds: Involuntary--in the commission of an unlawful act, not amounting to felony; or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and... See More

Chris Yount - University of Phoenix Wrong James the deputy and his partner pulled up with their lights on and sounded their siren plus gave at least 2 orders to drop the weapon. Andy was warned by his own neighbor seconds before that the cops were behind him and that he should drop the weapon. Children who walk around the public with realistic looking weapons are only going to draw negative attention from the public and in law enforcement.

Mike Vee - Cook at Prohibition Pig Chris Yount Yup, kid deserved it. (I'm disgusted with you're willingness the blindly support the police. You'd feel differently if your child, the one in your profile pic, was the one that "attracted negative attention," aka 7 bullets.)

Krista Hall - Chief Executive Officer at Stay-at-home parent And yet with all of the people protesting and calling for the officers head, there have been many times in the last few weeks where there were gunshots in the same neighborhood, and they called the police. So if I see this correctly, the police are "racist, don't do their jobs, should not be allowed to carry guns, and are known to use excessive force", but if the people who are saying that are in a situation where they feel threatened, it is ok to call and have the police protect them. Kind of a contradiction to what they are protesting. This whole situation is just a joke. It is sad and unfortunate that this had to happen, but take responsibility for not teaching your kids right from wrong!

William Malecki What is a 13-year-old boy doing walking around with the gun pellet or otherwise that looks exactly like a lethal weapon?

me What's being ignored here are questions like who gave him this gun or allowed him to purchase it? Why is such a gun even allowed to be produced? What purpose could there possibly be in having a pellet gun that looks just like an assault weapon? For that matter, why should assault weapons exist at all, outside of the military?

me This is a tragedy and I have all the empathy for this poor child and his family. But, blaming the police is easier than dealing with the real problems.

David Phillips What is a soldier doing walking around in a police costume? When did the U.S. become a battlefield?

shelby67dad Have you worn the uniform? Felt like there was a bulls eye on your back every time you put on that uniform and go out in public knowing that you are being second guessed for every action or inaction that you will make? How about the 61 officer line of duty deaths so far in 2014 across the U.S.? 8 of them here in CA. In 2013 there were 111. 2012 there were 121. Are there those that misuse the badge? Sure. Let all the agencies, independent and otherwise do their investigations and then make up your mind. When did the U.S. become a battlefield? A long time ago.

Mike Vee - Cook at Prohibition Pig Yes, MORE LAWS. We will legislate our way out of the Human Condition. You're brilliant, William.

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