



## PUBLIC INFORMATION RELEASE MEMORANDUM

**DATE:** April 19, 2023

**SUBJECT:** Off- Duty Deputy Involved Shooting (Fatal)

**Officer:** Deputy Humberto Miranda  
San Bernardino County Sheriff -Victorville Station

**Involved Subject:** Israel Miranda Jr.(Deceased)  
Date of Birth 06/14/1990

**Date of Incident:** April 6, 2019

**Incident location:** \*\*\*\* Magnolia Street  
Bloomington, CA

**DA STAR #:** 2019-60770

**Investigating Agency:** San Bernardino Sheriff's Department -Homicide

**Case Agent:** Detective David Lara

**DR #:** 03190097

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## **PREAMBLE**

This was a fatal off-duty officer involved shooting by a Deputy Sheriff from the San Bernardino County Sheriff's Department, assigned to the Victorville Station. The shooting was investigated by the Homicide Division of the San Bernardino County Sheriff's Department. This memorandum is based on a thorough review of all the investigative reports, photographs, and belt recordings submitted by the San Bernardino County Sheriff's Department, DR# 031900977, H# 2019-031.

## **PRINCIPAL INVOLVED PARTIES**

**Israel Miranda Jr.**, DOB: 06/14/1990, of San Bernardino, California was shot and killed during the incident under review.

**Deputy Humberto Miranda** of the San Bernardino County Sheriff's Department was the Deputy Sheriff involved in the off duty shooting of Israel Miranda Jr. Deputy Humberto Miranda was assigned to the Victorville Station.

Deputy Humberto Miranda and Israel Miranda Jr. were brothers.

## **SCENE**

This incident occurred on April 6, 2019, at around 9:10p.m. Location of occurrence was \*\*\*\* Magnolia Street Bloomington, California, the residence of Witness #1, the father of the involved parties.

## **BACKGROUND INFORMATION**

**Israel Miranda Jr** has a prior criminal history that includes convictions of offenses listed below:

2011, two counts of 459 of the Penal Code, Second Degree Burglary, 594 of the Penal Code, Vandalism Under \$400, 496 (a) of the Penal Code, Receiving Stolen Property, 484 (a) of the Penal Code, Theft, San Bernardino County Case number FVA1101010, a misdemeanor.

2014, 245(a)(1) of the Penal Code, Assault with a Deadly Weapon, San Bernardino County Case Number FWV1402411, a felony.

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2017, 245 (a)(1) Assault with a Deadly Weapon, GBI likely, of the Penal Code. San Bernardino County Case Number 16CR072114, a felony.

2017, 69 of the Penal Code, Obstructing/Resisting an Executive Officer, San Bernardino County Case Number FWV17001596, a felony.

2018, 11377(a) of the Health and Safety Code, Under the Influence, San Bernardino County Case Number MSB19000543, a misdemeanor

**FACTUAL SUMMARY**

On April 6, 2019, the \*\*\*\*\* family had a party at the home of Witness #1, located at \*\*\*\* Magnolia Street Bloomington, California. Present at the party were brothers Deputy Humberto Miranda (an off-duty deputy<sup>1</sup>), Witness #2, Witness #3, Israel Miranda Jr. (aka "Junior"), and sisters Witness #5, Witness #6, Witness #7. Witness #8, who is the girlfriend of Deputy Humberto Miranda, attended the party with her sisters Witness #9 and Witness #10, who are unrelated to the \*\*\*\*\* family.

The party began at 12:00 p.m. The people present at the party socialized, ate food, and drank alcoholic beverages. Deputy Humberto Miranda and Witness #8 arrived at the party at approximately 12:00 p.m.

During the party, Deputy Humberto Miranda played English music through a blue-tooth speaker in the front yard. At approximately 9:00 p.m., Israel Miranda Jr. became upset and demanded Deputy Humberto Miranda change the music from English to Spanish. An argument between Deputy Humberto Miranda, Witness #2, Witness #3, and Witness #4 ensued.

At that time, Deputy Humberto Miranda, Witness #2, Witness #3, Israel Miranda Jr., Witness #6, Witness #7, and Witness #8 were in the front yard. Witness #5, Witness #1, Witness #10, and Witness #9 were inside the residence.

Deputy Humberto Miranda, Witness #2 and Witness #3 attempted to calm Israel Miranda Jr. down. The argument escalated. Israel Miranda Jr. reached into his right front pocket and shouted, "F\*\*k you, you f\*\*king bitch." Israel Miranda Jr., pulled his empty hand out of his right front pocket and responded, "F\*\*k family, get the f\*\*k out, get

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<sup>1</sup> Deputy Humberto Miranda was employed as a San Bernardino County Deputy Sheriff, assigned to the Victorville Station. Deputy Humberto Miranda was not on duty at the time of the party. Deputy Humberto Miranda was armed with his personal off-duty weapon.

the f\*\*k out of the house.” In an effort to deescalate the argument, Deputy Humberto Miranda and Witness #2 said they were leaving and going to “Witness #11’s house.”

Israel Miranda Jr. replied, “You guys have 10 seconds to get the f\*\*k out of here,” and began to count down from the number ten. Israel Miranda Jr., then reached back into his right front pocket and pulled out a black folding knife. The blade was approximately three and one-half inches long and was open. Israel Miranda Jr. clenched his hands into a fist and raised both hands over his shoulders. Witness #6 yelled, “He has a knife, he has a knife, be careful he has a knife.”

Deputy Humberto Miranda, Witness #2, and Witness #3 continued to attempt to calm Israel Miranda Jr. down. The four brothers were in the corner of the front yard. Witness #2 and Witness #3 stood directly in front of Israel Miranda Jr. and faced him. Deputy Humberto Miranda stood behind Witness #3 and approximately 3 feet behind Israel Miranda Jr.

Israel Miranda Jr. swung his arms in a “slashing” motion towards Witness #2. Witness #2 raised his hands in an attempt to block Israel Miranda Jr. Witness #2 and Israel Miranda Jr. struggled with the knife. Israel Miranda Jr. broke free from the struggle and lunged at both Deputy Humberto Miranda and Witness #2. Witness #2 was stabbed on his right hand.

Immediately, all parties described hearing three to four gun shots. From approximately three feet away, Deputy Humberto Miranda discharged his off-duty Glock .45 handgun approximately three times and struck Israel Miranda Jr. in the chest. The entire incident lasted about fifteen seconds.

After the shooting, Deputy Humberto Miranda “freaked out” and shouted, “My brothers dead, my brother’s dead.”

The first 911 call was on placed on April 6, 2019, at 9:12 p.m. An unidentifiable female caller stated she heard gunshots at her neighbor’s residence in Bloomington. After that, numerous 911 calls were made and reported shots fired. At approximately, 9:13p.m., Witness #10 placed a 911 call from the residence.

San Bernardino County Sheriff’s Deputy Gerardo Jimenez arrived first on scene at approximately 9:20 p.m. When Deputy Jimenez arrived, Deputy Humberto Miranda walked towards Deputy Jimenez. Deputy Humberto Miranda immediately identified himself to Deputy Jimenez as an off duty deputy assigned to the Victorville Station. Deputy Humberto Miranda told Deputy Jimenez that he had just shot his brother. Deputy Jimenez immediately confiscated Deputy Humberto Miranda’s off-duty weapon, handcuffed him, and placed Deputy Humberto Miranda in the back of the patrol vehicle. Deputy Jimenez noted he could smell an odor of alcohol on Deputy Humberto Miranda’s breath but did not notice any obvious signs or symptoms of intoxication. When Deputy

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Humberto Miranda sat in the back of the patrol unit, he notified his watch commander, Deputy Mike Flores, of the shooting via his smartwatch.

Other deputies arrived and described the scene as “chaotic.” Deputies were outnumbered by intoxicated family members who refused to cooperate and provide information.

During the investigation, Sergeant Nicholas Tollefson from the Fontana Sheriff’s Department noticed Witness #2 had been stabbed on his right hand. Witness #2 refused to provide Sergeant Tollefson how the injury occurred and refused medical treatment.

A public safety statement was not obtained from Deputy Humberto Miranda and toxicology tests were not administered.

Family members indicated Israel Miranda Jr. had a history of abusing alcohol and methamphetamine. When Israel Miranda Jr., abused either alcohol or methamphetamine he would become “violent.” Israel Miranda Jr. was known to carry a knife or screwdriver. During the investigation it was learned that Israel Miranda Jr., had previously stabbed his sister, Witness #5, and his brother, Witness #2.

**CIVILIAN WITNESS STATEMENTS<sup>2</sup>:**

**Witness #8<sup>3</sup>** was interviewed by Detective Oscar Godoy on April 7, 2019, at approximately 3:05 a.m. Witness #8 had known the \*\*\*\*\* family for eleven years. Witness #8 was dating Deputy Humberto Miranda for five years and the two individuals have a 3 year- old son. Witness #8 described Deputy Humberto Miranda to Detective Oscar Godoy as an “amazing father, amazing boyfriend, a good provider,” and “extremely patient.”

Witness #8 described Israel Miranda Jr. as having a history of violent stabbings against family members. Witness #8 was aware of two separate incidents in which Witness #5 and Witness #2 were stabbed by Israel Miranda Jr. Witness #8 told Detective Oscar Godoy she witnessed an incident in November 2018, in which Israel Miranda Jr. appeared to be under the influence and threatened the burn Witness #8’s house down along with everyone inside.

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<sup>2</sup> Witness #1, Witness #9, and Witness #10 were witnesses at the party who were interviewed and all related that they did not see the shooting because they were inside of the residence.

<sup>3</sup> Witness #8 was initially interviewed by Detective Eric Lugo on April 6, 2019, at approximately 11:36 p.m. Her statement was the same as was made to Detective Oscar Godoy.

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On April 6, 2019, Witness #8 indicated the \*\*\*\*\* family was having a party for their son/brother, Witness #3, who was visiting from Virginia. Witness #8, Deputy Humberto Miranda, and Witness #3 arrived at the family residence at approximately 12:00 p.m.

At approximately 9:00 p.m., Deputy Humberto Miranda was playing music outside of the residence in the front yard. Israel Miranda Jr. became upset because he wanted Spanish music, not English music, to be played. Israel Miranda Jr. turned the speaker off. An argument ensued between Deputy Humberto Miranda, Witness #2, and Israel Miranda Jr. The argument escalated and Israel Miranda Jr. yelled, "F\*\*k you, you f\*\*king bitch." Deputy Humberto Miranda and Witness #2 attempted to calm Israel Miranda Jr. down and told him "They were all family." Israel Miranda Jr. replied, "F\*\*k family" and "Get the f\*\*k out, get the f\*\*k out of the house."

Israel Miranda Jr. threw a glass Corona beer bottle on the ground and the bottle shattered but did not hit anyone. Israel Miranda Jr. stated, "You guys have 10 seconds to get the f\*\*k out of here." Witness #2 told Israel Miranda Jr. they were leaving and were going to Witness #2's house. Israel Miranda Jr. clenched both hands into a fist and raised both hands above his shoulders. Witness #8 saw Israel Miranda Jr. holding an unknown black object in his hand. She was unable to see what the object was. Witness #8 heard Witness #6 yell, "He has a knife."

Israel Miranda Jr. and Witness #2 were in the corner of the yard south of the front door to the residence. Witness #2 attempted to calm down Israel Miranda Jr. Israel Miranda Jr. swung both of his arms at Witness #2 in a "stabbing" motion.

Witness #8 and Deputy Humberto Miranda stood approximately three feet from the area where Witness #2 and Israel Miranda Jr. were. Witness #8 saw Witness #2 and Israel Miranda Jr. fight at arm's length from each other. Witness #8 saw Witness #2 use his hand to block Israel Miranda Jr. Witness #8 told Deputy Humberto Miranda to back up because Israel Miranda Jr. had a knife. Witness #8 saw Deputy Humberto Miranda back up approximately two feet and then immediately heard three to four rapid gun shots. Witness #8 did not see Deputy Humberto Miranda remove his off-duty weapon.

After she heard the three to four gun shots, Witness #8 yelled to call 911. Witness #8 said Deputy Humberto Miranda began to "freak out" and said, "My brothers dead, my brother's dead."

According to Witness #8, when the deputies arrived, Witness #1, told everyone in Spanish not to say anything to law enforcement.

**Witness #7**<sup>4</sup> was interviewed by Detective Oscar Godoy on April 7, 2019, at approximately 4:24 a.m.

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<sup>4</sup> Witness #7 was initially interviewed by Detective Eric Lugo on April 6, 2019, at approximately 12:15 a.m. Her statement was the same as was made to Detective Oscar Godoy.

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Witness #7 attended the party and arrived at the residence at 12:00 p.m. When Witness #7 arrived, Witness #1, Deputy Humberto Miranda, Witness #8, and Israel Miranda Jr., were in the front yard drinking alcoholic beverages.

Witness #7 stated she was inside of the residence at approximately 9:00 p.m. caring for the children. At that time, Witness #7 heard an argument and looked outside the front window. Witness #7 saw Deputy Humberto Miranda, Witness #2, Israel Miranda Jr., Witness #3, and Witness #8 standing in front of the Bluetooth speaker.

Witness #7 went outside and stood near the front door. Witness #7 saw and heard Deputy Humberto Miranda, Witness #2, Marco Miranda, and Israel Miranda Jr. argue. Witness #7 saw Israel Miranda Jr. reach into his pocket but did not see him pull anything out. Witness #7 heard an unknown female yell, "He has a knife." Witness #7 saw Israel Miranda Jr. swing both of his closed fists at Witness #2. Witness #7 ran back inside the residence to prevent the children from going outside. Witness #7 returned to the front door and saw Israel Miranda Jr. and Witness #2 were now loser, near the front door.

Witness #7 heard three to four gunshots and saw the muzzle flash approximately three to five feet east of the front door. Israel Miranda Jr. fell to the ground and Witness #7 ran to him to render aid. Witness #7 saw a knife next to Israel Miranda Jr. Witness #7 said Witness #6 kicked the knife away from Israel Miranda Jr.

Witness #7 did not see who shot Israel Miranda Jr., but "assumed" it was Deputy Humberto Miranda because he was a "law enforcement officer." After the shooting, Witness #7 heard Deputy Humberto Miranda say something to the effect of, "I was defending them," to Witness #8.

**Witness #6<sup>5</sup>** was interviewed by Detective Chuck Phillips on April 7, 2019, at approximately 2:57 a.m. Witness #6 lived at \*\*\*\* Magnolia Street, Bloomington, with Israel Miranda Jr. and Witness #1 Witness #6 attended the family party.

Witness #6 told Detective Chuck Phillips; Israel Miranda Jr. was "bad news." Witness #6 told Detective Chuck Phillips that she knew of the incident when Israel Miranda Jr. repeatedly stabbed Witness #5 in the arm and when the blade of the knife broke off, Israel Miranda Jr continued to stab Witness #5 in the chest. Witness #6 told Detective Eric Lugo Israel Miranda Jr. was either on "probation or parole" for stabbing Witness #5.

Witness #6 told Detective Chuck Phillips it was just "a matter of time" before Israel Miranda Jr. was shot by law enforcement. Witness #6 told Detective Chuck Phillips she was aware Israel Miranda Jr. was always armed with a knife or screwdriver. Witness #6

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<sup>5</sup> Witness #6 was initially interviewed by Detective Eric Lugo on April 6, 2019, at approximately 11:15 p.m. Her statement was the same as was made to Detective Chuck Phillips.

stated she always slept with her door locked because she was afraid of Israel Miranda Jr.

Witness #6 arrived at the residence at approximately 7:30 p.m. She saw Israel Miranda Jr. drink five beers and believed he was drunk. At approximately 9:10 p.m., Witness #6 exited the residence through the front door and stood on the driveway. Deputy Humberto Miranda, Witness #2, Witness #3, and Israel Miranda Jr. were arguing about the music. Israel Miranda Jr. wanted to listen to different music.

Witness #3 stood and faced Israel Miranda Jr. three feet east of Israel Miranda Jr. Witness #2 stood and faced Israel Miranda Jr., north of Witness #3 and three feet from Israel Miranda Jr. Deputy Humberto Miranda stood behind Witness #3 and faced Israel Miranda Jr. Witness #6 stood approximately four to five feet from the brothers.

Israel Miranda Jr. told Deputy Humberto Miranda, Witness #2, and Witness #3 they had, "Ten seconds to get the f\*\*k out of here." Israel Miranda Jr. began to count backwards from ten and placed his right hand into his right front shorts pocket. Deputy Humberto Miranda, Witness #2, and Witness #3 told Israel Miranda Jr. he needed to stop and calm down.

Israel Miranda Jr. removed a four inch black handled knife from his right front shorts pocket. Witness #6 relayed that the knife was bigger than a regular pocketknife. Witness #6 said the blade was extended from the knife. Israel Miranda Jr. "immediately" swung the knife from right to level at the shoulder level of Deputy Humberto Miranda, Witness #2, and Witness #3. They backed away from Israel Miranda Jr., however, Witness #2 received a laceration on his hand.

Witness #6 said an unknown person yelled stop and then she heard four rapid gunshots. Witness #6 saw Deputy Humberto Miranda standing approximately seven to eight feet from Israel Miranda Jr. Witness #6 saw Deputy Humberto Miranda hold the gun in his left hand and then he put the gun in his front waist band.

Witness #6 yelled to call 911 and ran to Israel Miranda Jr. to provide medical aid. Israel Miranda Jr. told her to "get the f\*\*k off of me." Medical personal arrived and provided aid.

Witness #6 told Detective Chuck Phillips she was fearful for the safety of herself and her brothers. She stated she was "certain" if Deputy Humberto Miranda did not shoot Israel Miranda Jr. that night, Israel Miranda Jr. would have stabbed someone.

**Witness #2** was interviewed by Detective Oscar Godoy on April 7, 2019, at approximately 6:00 a.m. Witness #2 told Detective Oscar Godoy he arrived at the party at 2:00p.m. Detective Godoy noted Witness #2 had a strong odor of alcohol and was uncooperative. As he was speaking to Witness #2, Detective Godoy noticed a fresh



opened wound between Witness #2's right index finger and middle finger. The right index finger appeared to be "sliced" from the joint to the web of the finger. The wound was one inch in length and covered in dried blood. Witness #2 refused to tell Detective Godoy how he received the injury and refused medical treatment.

Witness #2 told Detective Godoy; Israel Miranda Jr. stabbed him in the kidney in 2014. Witness #2 also told Detective Godoy Israel Miranda Jr. stabbed Witness #5 in 2016.

Witness #2 said at approximately 9:00 p.m. on April 6, 2020, Israel Miranda Jr. "flipped out" because of the music. Witness #2 said he "blacked out" during the shooting. When pressed further by Detective Godoy, Witness #2 said Israel Miranda Jr. argued with Deputy Humberto Miranda, Witness #2, and Witness #3. Israel Miranda Jr. told them they had ten seconds to get out of the house. Witness #2 tried to calm Witness #4 down. There was a "scuffle" between Deputy Humberto Miranda, Witness #2, Witness #3, and Israel Miranda Jr. Witness #2 stated that everything happened so fast and did not remember what happened next. Witness #2 estimated the entire incident lasted about fifteen seconds.

**Witness #3<sup>6</sup>** was interviewed by Detective Chuck Phillips on April 7, 2019, at approximately 5:47 a.m.

Witness #3 told Detective Chuck Phillips he arrived at the residence at approximately 10:00 a.m.

Witness #3 lived in Virginia and was visiting on April 6, 2019. Witness #3 related that she saw Deputy Humberto Miranda drink alcohol at the party but was not incapable of making reasonable decisions. Witness #3 said Israel Miranda Jr. was "drunk" at the party and had "anger issues."

Israel Miranda Jr. argued with Deputy Humberto Miranda and Witness #2 about the music that was being played. Witness #3 tried to calm everyone down but "everyone got in everyone's face." Israel Miranda Jr. told everyone they needed to leave and pulled out a black five inch blade knife from his right front pocket. Israel Miranda Jr. told everyone they had ten seconds to leave the party. Deputy Humberto Miranda, Witness #2, and Witness #3 backed away from Israel Miranda Jr. Israel Miranda Jr. "went towards" Witness #2. Israel Miranda Jr. used his right hand to "punch or stab" Witness #2 five times. Witness #3 attempted to pull Witness #2 away from Israel Miranda Jr. and then heard three to four gun shots. Witness #3 did not see Deputy Humberto Miranda shoot Israel Miranda Jr.

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<sup>6</sup> Witness #3 was initially interviewed by Detective Eric Lugo on April 6, 2019, at approximately 12:40 a.m. His statement was the same as was made to Detective Chuck Phillips.

Witness #3 stated Israel Miranda Jr. would have severely injured or killed someone tonight if “Humberto” had not shot him. Witness #3 stated, “Humberto had no intentions of doing anything bad and was only defending himself and the family from Junior.” Witness #3 added, “My brother Witness #11 would be dead.”

**Witness #5<sup>7</sup>** was interviewed by Detective Chuck Phillips on April 7, 2019, at approximately 4:23 a.m. Witness #5 stated she arrived at the family home at approximately 10:30 a.m. prior to the party beginning.

Witness #5 told Detective Chuck Phillips she was intoxicated and was inside the residence at the time of the shooting.

### **Law Enforcement Statements:**

On September 18, 2019, at approximately 5:00 a.m., **Deputy Gerardo Jimenez** was interviewed by Detective Tramayne Phillips.

Deputy Jimenez was on duty at the time and was the first deputy on scene. Deputy Jimenez was dispatched to the 9800 block of Magnolia Street in the City of Bloomington at 9:10 p.m. on April 6, 2019, regarding a call of “shots fired”. He arrived at the location at approximately 9:20 p.m.

Upon arrival, Deputy Jimenez saw Deputy Humberto Miranda walking north on the east side of Magnolia Street towards Deputy Jimenez. Deputy Jimenez asked Deputy Humberto Miranda if he had a weapon. Deputy Humberto Miranda responded that he was armed. Immediately, Deputy Jimenez approached Deputy Humberto Miranda detained and handcuffed him.

Deputy Humberto Miranda told Deputy Jimenez he was an off-duty deputy, worked patrol at the Victorville Station, and had just shot his brother. Deputy Jimenez took possession of Deputy Humberto Miranda’s off-duty weapon and conducted a record check on the Glock .45. The weapon was registered to Deputy Humberto Miranda.

Deputy Jimenez smelled the odor of alcohol on Deputy Humberto Miranda’s breath. Deputy Jimenez did not notice obvious signs or symptoms that indicated Deputy Humberto Miranda was intoxicated to the point where he could not care for himself or others.<sup>8</sup>

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<sup>7</sup> Witness #5 was initially interviewed by Detective Eric Lugo on April 6, 2019, at approximately 12:55a.m., and by Detective Lara at approximately 10:36 a.m. on March 24, 2019. Her statements were the same as were made to Detective Chuck Phillips.

<sup>8</sup> There were no toxicology tests performed on Deputy Humberto Miranda.

On April 20, 2019, approximately 4:30 p.m., **Deputy Trevor Barkley** was interviewed by Detective Oscar Godoy.

Deputy Barkley arrived at the location at approximately 9:19 p.m. Upon arrival, he noticed two unidentified females in the driveway who yelled "over here, he is shot, help." Deputy Trevor Barkley approached Israel Miranda Jr. lying on the ground near the front of the residence. Deputy Trevor Barkley noticed a large amount of blood on the cement surrounding Israel Miranda Jr. Deputy Trevor Barkley saw two gunshot wounds to Israel Miranda Jr.'s right arm and two gunshot wounds to his upper chest.

There was a crowd of people standing around Israel Miranda Jr. Witness #5 was intoxicated and refused to back away from Israel Miranda Jr. Deputy Barkley had to give multiple commands to the crowd to move back. Deputy Barkley asked an unknown female in the crowd who shot Israel Miranda Jr., the unknown female responded the shooter was a Deputy Sheriff with the San Bernardino County Sheriff's Department named "Miranda."

Deputy Barkley provided medical aid to Israel Miranda Jr. until the Fire Department and AMR arrived.

Deputy Barkley was told by Sergeant Tollefson to transport Deputy Humberto Miranda to the Fontana Sheriff's Station. Deputy Humberto Miranda was seated in the back seat of Deputy Jimenez's patrol car handcuffed to the rear. Deputy Humberto Miranda had been seated in the back of the Deputy Jimenez's patrol unit for approximately three to four hours. Deputy Barkley asked Deputy Humberto Miranda to step out of Deputy Jimenez's patrol unit and into Deputy Barkley's patrol unit. Deputy Humberto Miranda stepped out of the patrol unit without assistance. Deputy Humberto Miranda stood without assistance and spoke coherently. Deputy Barkley noticed Deputy Humberto Miranda had a slight odor of alcohol but did not slur his words.

Sergeant Tollefson gave permission to Deputy Barkley for Witness #8 to speak to Deputy Humberto Miranda prior to being transported. Deputy Barkley heard Witness #8 tell Deputy Humberto Miranda, "Thanks for protecting us, we love you, and the family is here for you."

Deputy Barkley transported Deputy Humberto Miranda to the Fontana Sheriff's Station and secured him in a holding cell.

**Deputy Aaron Blades** arrived at the location at approximately 9:19 p.m. According to his report, the crowd was uncooperative and attempted to prevent Deputy Barkley from providing medical attention to Israel Miranda Jr. Deputy Blades attempted to move the crowd away from Deputy Barkley and Israel Miranda Jr. At that time, an unidentified female pointed out a black folding knife. The black folding knife was approximately 8 feet away Israel Miranda Jr. The black knife was exposed, opened, in a fixed, and

locked position. An unidentified female told Deputy Aaron Blades she moved the knife as she attempted to help Israel Miranda Jr.

**Sergeant Nick Tollefson** provided the initial briefing to the San Bernardino County Sheriff's Homicide Detectives. According to Sergeant Tollefson's report, when Deputy Humberto Miranda was waiting in Deputy Jimenez's patrol vehicle, Witness #2 asked Sergeant Tollefson if Witness #2 could speak to Deputy Humberto Miranda. Sergeant Tollefson allowed contact. Sergeant Tollefson noted Witness #2 told Deputy Humberto Miranda, "Whatever happened, I f\*\*king love you brother, and f\*\*king, you had to do whatever the f\*\*k you had to do." Sergeant Tollefson noted the injury to Witness #2's hand, and asked Witness #2 what happened. Witness #2 told Sergeant Tollefson "Nothing." Sergeant Tollefson noted Witness #2 had a strong odor of alcohol on his breath.

### **Belt Recordings**<sup>9</sup>:

#### **Sergeant Nicholas Tollefson**

Sergeant Tollefson was equipped with a belt recording on the date of the incident under review. There are total of three recordings. One recording is approximately 2 minutes and 44 seconds in duration. This recording consisted of Witness #5 crying and interfering with medical personnel. At 02:25, Sergeant Tollefson asked Deputy Jimenez, "Who is he?" An unidentified female responded, "He's Miranda, he's an off-duty officer."

The second recording made by Sergeant Tollefson is 7 minutes and 34 seconds in duration. At 0:03 minutes, Deputy Jimenez told Sergeant Tollefson he saw Deputy Humberto Miranda walk away. Deputy Jimenez asked Deputy Humberto Miranda if he possessed a weapon and Deputy Humberto Miranda stated he did. Deputy Jimenez told Sergeant Tollefson that Deputy Humberto Miranda said he shot Israel Miranda Jr. because he attempted to stab someone. Deputy Humberto Miranda stated he was an off-duty Victorville Deputy Sheriff.

The third recording made by Sergeant Tollefson is 4 minutes 38 seconds. This recording is regarding Sergeant Tollefson asking Witness #2 to remain calm.

#### **Deputy Trevor Barkley**

Deputy Trevor Barkley was equipped with a belt recording on the date of the incident under review. The recording is 2 minutes and 49 seconds long.

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<sup>9</sup> All belt recordings were reviewed in their entirety and the relevant portions are included.

00:03 Witness #5 was crying. Deputy Blades stated, "Come on ma'am." Sergeant Tolleson told her to calm down. Witness #7 stated she heard four to five shots but could not be sure.

01:22 an unidentified female said, "You know what (unintelligible) f\*\*king stab me (unintelligible) he would've kept on f\*\*king going."

01:33 an unidentified female, said, "He has done it before, what makes you think (intelligible)."

01:50 an unidentifiable female said "Junior f\*\*ked up, he should of f\*\*king (unintelligible)"

01:59 an unidentifiable female said, "Your son was right there, he tried to take Witness #5's life before, so you didn't, so you didn't cooperate, because you know what? He tried to take your life away, do it for your son Witness #11, he could have taken your life dude (intelligible)."

### **Deputy Gerardo Jimenez**

Deputy Gerardo Jimenez was equipped with a belt recording on the date of the incident under review. The first recording is 4 minutes and 30 seconds long.

00:03 Deputy Humberto Miranda said he was not injured.

00:31 Deputy Humberto Miranda indicated the caliber of his handgun was a .45 caliber.

The second recording is 10 minutes and 4 seconds long.

10:04 Witness #2 stated, "Dude stop being a f\*\*king snitch" to Witness #3. An unknown female said to cooperate with law enforcement. Witness #2 replied, I'm not going to turn on my brother" and "Don't be a snitch" to Witness #3.

### **Deputy Aaron Blades**

Deputy Aaron Blades was equipped with a belt recording on the date of the incident under review. The recording is 35 minutes and 43 seconds.

08:36 Deputy Blades asked, "So what exactly happened?" An unidentifiable female responded, "They were arguing, and my brother pulled out a knife to try and stab my brother, and my brother is an off duty officer, and he had his gun on him and he shot him." A different unidentifiable female responded, "He has a history of stabbing."

**Other Incidents:**

Israel Miranda Jr. was known to be violent and had previously stabbed family members.

Witness #5 told Detective Chuck Phillips and Detective Lara in **2016**, Israel Miranda Jr. stabbed Witness #2 in the back with a screwdriver after an argument.

Witness #5 told Detective Chuck Phillips and Detective Lara in **2017**, while at the family residence, Israel Miranda Jr. wanted to speak to Witness #5 in "private." Witness #5 said she knew the residence had cameras so agreed to meet Israel Miranda Jr. in the front of the residence and in front of the cameras. When they went to the front of the residence, Israel Miranda told Witness #5, "It's either me or you" and "F\*\*k you bitch." Witness #5 said Israel Miranda Jr. repeatedly stabbed her in the shoulder with a knife. The blade of the knife broke off and lodged into the bone of her arm. Israel Miranda Jr., continued to "stab" Witness #5 in the chest with the handle of the knife. Witness #1 saw the assault on the camera and ran to stop Israel Miranda Jr. After the attack, Witness #5 said she did not want to be alone with Israel Miranda Jr. Witness #5 said she told Deputy Humberto Miranda and Witness #8 about Israel Miranda Jr. stabbing her.

**Weapons:**

Found on scene were two fired cartridge casings, one black folding knife with a 3 ½ inch blade exposed, and a closed red box cutter knife.

A black Glock 30, .45 mm, Generation 4, semi-automatic handgun, serial #BCET849 registered to Deputy Humberto Miranda. One .45 cartridge was chambered in the firearm with headstamp Winchester .45 Auto. Glock 30 .45 magazine with 10 cartridge capacity, loaded with six Winchester .45 Auto Cartridges. Black Alien Gear Paddle Holster.

Deputy Humberto Miranda's off duty Glock .45 was registered to him. The weapon was processed and contained one round in the chamber and six rounds in the loaded magazine.

On April 12, 2019, at approximately 1700 hours, Sergeant S. Thies returned the weapon to Deputy Humberto Miranda.

**POSTMORTEM EXAMINATION:**

Israel Miranda Jr. was transported to the hospital and was pronounced dead on April 6, 2019, at 10:31 p.m., by Witness #13.

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On April 9, 2019, an autopsy was conducted at the Riverside County Sheriff's-Coroner's Office located at 800 South Redlands Avenue, Perris. Witness #12, Forensic Pathologist IV, conducted the autopsy at 9:00 a.m. Witness #12 noted a total of five gunshot wounds.

Gunshot wound #1-entry wound to the right mid chest, below the right nipple and fractured the right seventh rib. The bullet traveled through the right lung, into the abdomen, through the liver and exited the right posterior chest. The bullet trajectory was front to back, right to left, and downward. The bullet was recovered.

Gunshot wound #2-entry wound to the right lower chest. The bullet traveled through the abdominal cavity, entered the small intestines and surrounding tissue of the intestines. The bullet trajectory was front to back, right to left, and downward. The bullet was recovered.

Gunshot wound #3-entry wound to right flank. The bullet traveled through the soft tissue of the left back and into the left buttocks. The bullet trajectory was front to back, right to left, and downward. The bullet was recovered.

Gunshot wound #4-entry wound to right front upper arm bicep. The bullet traveled through soft tissue and the right inner elbow. The bullet trajectory was back to front, right to left and downward. A bullet was not recovered.

Gunshot wound #5-entry wound to right back upper arm. The bullet traveled through soft tissue and exited the upper arm adjacent to right arm pit. The bullet trajectory was back to front, right to left and downward. A bullet was not recovered.

Witness #12 suspected gunshot wound #2 could be related to gunshot wound #4 and gunshot wound #3 could be related to gunshot wound #5. Therefore, there could have been a total of 3 gunshot wounds.

Toxicology reports indicated Israel Miranda Jr.'s blood alcohol level was: .153% (blood), .032% (urine), .181% (vitreous). Cannabinoids were "detected."

## **APPLICABLE LEGAL STANDARDS**

### **Laws of Self-Defense**

The legal doctrine of self-defense is codified in Penal Code Sections 197 through 199. Those sections state in pertinent part: "Homicide is justifiable when committed by any person in any of the following cases: (1) When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person . . .(3)

When committed in the lawful defense of such person . . . when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished . . .” The resistance may be sufficient to prevent injury to the party about to be injured, or the prevent injury to someone else. (Pen. Code §693.)

Where from the nature of an attack a person, as a reasonable person, is justified in believing that his assailant intends to commit a felony upon him, he has a right in defense of his person to use all force necessary to repel the assault; he is not bound to retreat but may stand his ground; and he has a right in defense of his person to repel the assault upon him even to taking the life of his adversary. (*People v. Collins* (1961) 189 Cal.App. 2d 575, 588.)

Justification does not depend on the existence of actual danger but rather depends upon appearances; it is sufficient that the circumstances be such that a reasonable person would be placed in fear for his safety and the person act out of that fear. (*People v. Clark* (1982) 130 Cal.App.3d 371, 377.) “He may act upon such appearances with safety; and if without fault or carelessness he is misled concerning them, and defends himself correctly according to what he supposes the facts to be, his act is justifiable, though the facts were in truth otherwise, and though he was mistaken in his judgment as to such actual necessity at such time and really had no occasion for the use of extreme measures.” (*People v. Collins, supra*, 189 Cal.App.2d at p. 588.)

**CAL CRIM 505 (REVISED 2012)**

**JUSTIFIABLE HOMICIDE: SELF DEFENSE OR DEFENSE OF ANOTHER:**

The defendant is not guilty of murder if he was justified in killing someone in self-defense or defense of another. The defendant acted in lawful self-defense or defense of another if:

1. The defendant reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury;
2. The defendant reasonably believed that the immediate use of deadly force was necessary to defend against that danger;

AND

3. The defendant used no more force than was reasonably necessary to defend against that danger.

Belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be. The defendant must have believed there was imminent danger of death or great bodily injury to himself or someone else. Defendant's belief must have been reasonable, and he must have acted only because of that belief. The defendant is only entitled to use that amount of force that a reasonable person would believe is



necessary in the same situation. If the defendant used more force than was reasonable, the killing was not justified.

When deciding whether the defendant's beliefs were reasonable, consider all the circumstances as they were known to and appeared to the defendant and consider what a reasonable person in a similar situation with similar knowledge would have believed. If the defendant's beliefs were reasonable, the danger does not need to have actually existed.

If you find that (name of decedent) threatened or harmed the defendant or others in the past, you may consider that information in deciding whether the defendant's conduct and beliefs were reasonable.

If you find that the defendant knew that (name of decedent) had threatened or harmed others in the past, you may consider that information in deciding whether the defendant's conduct and beliefs were reasonable.

Someone who has been threatened or harmed by a person in the past, is justified in acting more quickly or taking greater self-defense measures against that person.

A defendant is not required to retreat. He or she is entitled to stand his or her ground and defend himself or herself and, if reasonably necessary, to pursue an assailant until the danger of death or great bodily injury has passed. This is so even if safety could have been achieved by retreating.

### **ANALYSIS**

On April 6, 2019, at approximately 12:00 p.m., Deputy Humberto Miranda and his girlfriend, Witness #8 arrived at \*\*\*\* Magnolia Street, Bloomington. The occasion was a family party. Present at the party was Deputy Humberto Miranda's father (Witness #1), his brothers (Witness #2, Witness #3, and Israel Miranda Jr.), and his sisters (Witness #6, Witness #7, and Witness #5). Also present was Deputy Humberto Miranda's girlfriend, Witness #8 and her sisters (Witness #10 and Witness #9).

Family members were aware Deputy Humberto Miranda was employed as a Deputy Sheriff for the County of San Bernardino and was assigned to the Victorville station. Deputy Humberto Miranda was not on duty on April 6, 2019. Deputy Humberto Miranda was armed with his off-duty Glock 30, .45 mm, Generation 4, semi-automatic handgun. The firearm was legally registered to Deputy Humberto Miranda.

At approximately 9:00 p.m., Israel Miranda Jr. became upset and demanded the music that was played at the party be changed. At that time, in the front yard were Deputy Humberto Miranda, Witness #2, Witness #3, Israel Miranda Jr., Witness #6, Witness #7, and Witness #8. Witness #5, Witness #1, Witness #10, and Witness #9 were inside the residence.

An argument ensued between Deputy Humberto Miranda, Witness #2, Witness #3, and Israel Miranda Jr. Israel Miranda Jr. was known to the \*\*\*\*\* family to abuse methamphetamine and alcohol. The family was aware when Israel Miranda Jr. abused substances, he became "violent." Israel Miranda Jr. was known to always carry a knife or screwdriver. On April 6, 2019, Israel Miranda was on parole for stabbing his sister, Witness #5, with a knife (16CR072114). Deputy Humberto Miranda was aware of this incident.

Deputy Humberto Miranda, Witness #2, and Witness #3 attempted to calm Israel Miranda Jr. down. The argument escalated. Israel Miranda Jr. reached into his right front pocket and shouted, "F\*\*k you, you f\*\*king bitch." Witness #3 attempted to further calm Israel Miranda Jr. down.

Israel Miranda Jr., pulled his empty hand out of his right front pocket and shouted, "F\*\*k family, get the f\*\*k out, get the f\*\*k out of the house." Deputy Humberto Miranda and Witness #2 said to family members they were leaving and going to "Witness #11's house."

Israel Miranda Jr. threw a glass corona beer bottle and stated, "You guys have 10 seconds to get the f\*\*k out of here." Israel Miranda Jr. reached back into his right front pocket and pulled out a black folding knife. The blade was approximately three and one-half inches long and opened. Israel Miranda Jr. clenched his hands into a fist and raised both hands over his shoulders. Witness #6 yelled, "He has a knife."

Deputy Humberto Miranda, Witness #2, and Witness #3 continued to attempt to calm Israel Miranda Jr. down in the corner of the front yard. Witness #2 and Witness #3 stood directly in front of Israel Miranda Jr. and faced him. Deputy Humberto Miranda stood behind Witness #3 and approximately 3 feet behind Israel Miranda Jr. and faced him.

Israel Miranda Jr. swung both of his arms in a "stabbing motion" at Witness #2. Witness #2 used his hands to block Israel Miranda Jr. Witness #2 was stabbed on his right hand.

Deputy Humberto Miranda deployed his off duty weapon and shot Israel Miranda in the chest three times. The entire incident lasted about fifteen seconds.

No one saw Deputy Humberto Miranda shoot Israel Miranda Jr.

Deputy Gerardo Jimenez arrived first on scene. Deputy Humberto Miranda identified himself as an off-duty sheriff and told Deputy Jimenez he had just shot his brother.

Prior to shooting Israel Miranda Jr., Deputy Humberto Miranda did not make announcements nor attempt less lethal force. The shooting occurred when Deputy Humberto Miranda was off-duty and at a family party. Deputy Humberto Miranda was

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not on duty, was not in uniform, and was not attempting to make an arrest under the color of his authority. Deputy Humberto Miranda did not identify himself as a law enforcement officer; however, family members were aware he was employed as a San Bernardino Deputy Sheriff assigned to the Victorville Station.

Deputy Humberto Miranda committed a justifiable homicide when he shot and killed Israel Miranda Jr. Deputy Humberto Miranda was aware Israel Miranda Jr. had a history of violence including stabbing family members. Israel Miranda Jr., had in fact stabbed Witness #5 and Witness #2 in the past. Deputy Humberto Miranda was also aware that Israel Miranda Jr. had a history of substance abuse. During the incident under review, Israel Miranda Jr. posed an imminent to threat to Deputy Humberto Miranda when Israel Miranda Jr., pulled out the black knife and swung his arms in a “stabbing motion” at Witness #2. Deputy Humberto Miranda was standing approximately three to five feet from Witness #2 at the time of the stabbing. The blade of his knife was approximately three and one-half inches and was opened and exposed. Witness #2 was stabbed on his right hand. Israel Miranda posed an immediate threat of serious bodily injury or death to Deputy Humberto Miranda and other family members in the immediate vicinity. It was reasonable for Deputy Humberto Miranda to believe the immediate use of deadly force was necessary and the only option to protect himself and his family. When Deputy Humberto Miranda fired his off-duty weapon and struck Israel Miranda Jr. three times in the chest killing him, he used force that was reasonably necessary to defend against the danger. Given those circumstances Deputy Humberto Miranda would have a valid claim of self-defense and/or defense of others.

**CONCLUSION**

Based on the facts presented in the reports and the applicable law, Deputy Humberto Miranda’s use of lethal force against Israel Miranda Jr. was a justifiable homicide based upon the right of self-defense and defense of others, and therefore his actions were legally justified.

**Submitted By:  
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