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January 23, 2026

Sheriff Donny Youngblood
Kern County Sheriff's Office
1350 Norris Road
Bakersfield, CA 93308

Re: KCSO Officer-Involved Shooting of Cole Hughes on March 10, 2024
Kern County Sheriff's Deputy Nicholas Rocha
204 E. Beardsley Avenue, Bakersfield, CA
Documented in KCSO Report 2024-00029087

Dear Sheriff Youngblood,

The Kern County District Attorney's Officer-Involved Shooting (OIS) Review Committee has reviewed the offense report, body worn camera footage, audio recordings, and other materials submitted by your agency regarding the shooting noted above. The OIS Review Committee reviews cases for criminal liability under state law. The OIS Review Committee has completed its review. The findings are noted below.

Summary

Kern County Sheriff Department deputies were dispatched to 204 East Beardsley Avenue for a report of a domestic disturbance. The reporting party told KCSO dispatch that her husband was in the front of the residence with a gun and an axe. The reporting party later advised it was a pellet gun. Deputies arrived at 1:15 PM and saw Cole Hughes sitting to the front of the residence holding what appeared to be a dark colored rifle on his lap. Deputies gave commands for Hughes to drop the rifle and walk towards them with his hands up, but Hughes did not comply. Upon his arrival on scene, Deputy Nicholas Rocha took up a position behind his patrol vehicle. From his position behind the passenger side door of his patrol vehicle, Deputy Rocha observed Cole Hughes' location and could see him seated in a chair in the front yard with a beer and an apparent black rifle with a scope across his lap. Deputy Rocha remained in that position for about 5 minutes. Based upon his observations of the rifle, Deputy Rocha believed it was potentially a high caliber rifle. Deputy Rocha could hear other deputies giving Cole Hughes repeated

commands over a loudspeaker to put down the rifle but witnessed him shaking his head from left to right each time. Deputy Rocha received permission to enter a nearby residence to get a better view of Hughes. After Deputy Rocha positioned himself in the residence's window, he pushed out a window screen out to allow for a line-of-sight view of Cole Hughes. Deputy Rocha observed Hughes was still seated and audibly heard continued commands to surrender being given over the public address system. A short time later, Cole Hughes stood up with the rifle in his hands and started to lift the stock of the rifle to his shoulder. Deputy Rocha observed the barrel moving up towards deputies and possible civilians and believed Hughes planned to fire in that direction. Deputy Rocha perceived Cole Hughes to be a lethal threat and fired four rounds causing Hughes to fall to the ground on his back. Deputy Rocha believed the Cole Hughes planned to fire at deputies and that he posed an imminent threat of causing death or serious bodily injury. Deputy Rocha advised he stopped shooting when he saw Hughes fall to the ground onto his back and no longer perceived him as a threat. Deputies located the rifle and determined it was a Bear River Outdoors .177 Caliber Air Rifle. Cole Hughes was transported to Kern Medical Center where he was pronounced deceased.

Legal Principles and Analysis

A peace officer may use deadly force under circumstances where it is reasonably necessary for self-defense or defense of others. Additionally, an officer who has reasonable cause to believe a person has committed a public offense or is a danger to others may use reasonable force to affect arrest or detention, to prevent escape, or to overcome resistance. *Tennessee v. Garner* (1985) 471 U.S. 1; *Graham v. Connor* (1989) 490 U.S. 386. Use of deadly force while in the line of duty is justified, and therefore not unlawful, provided all of the following exist: 1) the person is a peace officer, 2) the killing was committed while performing any legal duty, 3) the killing was necessary to accomplish that lawful purpose, and 4) the peace officer had probable cause to believe that the person killed posed a threat of serious physical harm, either to the peace officer or others. Peace officers may use deadly force only when *necessary* in defense of human life. (PC § 835a(2)). When determining whether deadly force is *necessary*, officers *shall* evaluate each situation in light of the particular circumstances of each case and shall use *other* available resources and techniques *if* reasonably safe and feasible to an *objectively reasonable officer*. (PC § 835a(2)). The decision to use force shall be consistent with law and agency policies. (PC § 835a(3)). In deciding whether an officer who fired his or her weapon did so lawfully, one must consider what a reasonable person would have done in a similar situation with similar knowledge and experience. One must decide whether the officers' beliefs and actions were objectively reasonable under all the circumstances known to him or her, as they appeared at the time. "The reasonableness of an officer's conduct is determined in light of the totality of circumstances." *Hayes v. County of San Diego* (2013) 57 Cal.4th 622, 688. "The calculus of reasonableness must embody allowance for the fact that peace 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." *Graham v. Connor*, *supra* at pp.396-397. For the use of deadly force to be "objectively reasonable," the officers must have probable cause to believe that the suspect posed a significant threat of death or serious physical injury to an officer or others.

Deputy Nicholas Rocha observed Cole Hughes stand up from his chair while holding a rifle and begin to lift the stock of the rifle to his shoulder. Deputy Rocha observed the barrel moving up towards deputies and possible civilians and believed Hughes planned to fire in that direction. Deputy Rocha perceived Hughes to be a lethal threat and fired multiple rounds causing Hughes to fall to the ground on his back. Deputy Rocha believed the Cole Hughes planned to fire at deputies and that he posed an imminent threat of causing death or serious bodily injury. Deputy Rocha ceased firing his weapon after Hughes fell to the

ground and he no longer perceived him as a deadly threat.

Conclusion

Based upon a review of the evidence submitted by the Kern County Sheriff's Office, Deputy Nicholas Rocha responded reasonably to an imminent threat of death or great bodily injury in self-defense and defense of others. There is no state criminal liability for his use of deadly force under the circumstances of this case because the shooting is legally justified.

Sincerely,

A handwritten signature in black ink, reading "Cynthia J. Zimmer". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

Cynthia J. Zimmer
Kern County District Attorney