



OFFICE OF THE  
**DISTRICT ATTORNEY**  
COUNTY OF SHASTA



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*District Attorney*

The Shasta County District Attorney's Office has completed its review of the February 15, 2017, fatal shooting of John Larry Souza (also known as John Souza Parks) by Michael Lake. After a thorough review of all available evidence, the District Attorney has determined that no criminal charges will be filed against Mr. Lake.

The investigation of the shooting was conducted by the Redding Police Department. Redding Police investigators gathered physical evidence and spoke to numerous witnesses in an attempt to provide a complete picture of the events that led up to Mr. Souza's unfortunate death. Following the conclusion of their investigation, Redding Police presented the case to the District Attorney's Office. The role of the District Attorney in this type of investigation is to thoroughly review the facts of the case and make a determination whether there is evidence of a crime that can be proven beyond a reasonable doubt.

**FACTS OF INCIDENT**

At approximately 9:13 pm on the evening of February 15, 2017, Redding Police were dispatched to the intersection of Hartnell Avenue and Churn Creek Road in Redding on a report of a shooting. When police arrived, they contacted Michael Lake, 27, of Redding, at the scene. John Souza, 47, of Redding was located deceased at the scene. Souza's body was located behind a green Geo Tracker. The Geo Tracker was located in the westbound turn lane of Hartnell Avenue at the intersection with Churn Creek Road. The Geo Tracker belonged to Lake. A bicycle, later identified as belonging to Souza, was located a short distance away.

When police contacted Lake at the scene of the shooting, he identified himself as the shooter and agreed to accompany a Redding Police investigator to the police department for a recorded interview.

According to Lake, he was travelling on Hartnell Avenue approaching the intersection of Hartnell and Churn Creek. He was intending on turning from Hartnell into the Circle K business property. His path to do so was blocked by Souza, who was walking across the roadway. Lake admitted that he was upset by Souza's actions, and threw his hands up and stated words to the effect of "What the hell?". Lake then entered the left turn lane to turn from Hartnell onto Churn Creek. His intent was still to go to Circle K, but to access the business from Churn Creek Road. The left turn signal was red, so Lake waited for it to turn green.

While Lake was waiting at the red light, he noticed Souza had changed his original direction of travel and was walking behind his vehicle. Lake momentarily lost sight of Souza. When Lake next saw Souza, Souza was approximately 5 to 10 feet behind Lake's vehicle and approaching Lake's vehicle from behind. Concerned that Souza was planning on some sort of confrontation with him, Lake took his handgun from its holster and placed it between his legs. It should be noted that at the time of the incident, Lake possessed a valid permit to carry a concealed firearm.

Souza continued towards Lake's vehicle, ultimately ending up outside the driver's door window. According to Lake, Souza appeared angry, telling him, "Not a smart idea, motherfucker." Souza then punched the driver's door window with his right hand. At the same time, Souza reached with his left hand inside his jacket toward the waistband area. During this confrontation, Lake attempted to accelerate his vehicle and leave the intersection, but was unable to do so due to mechanical issues with his vehicle.

Upon seeing Souza reach into his waistband, Lake believed that Souza was retrieving a weapon. Lake raised his gun and fired a single shot through the closed driver's door window. The shot struck Souza in the chest. He turned and fell to the ground behind Lake's vehicle. He died almost immediately. Following an autopsy, Souza's cause of death was determined to be a single gunshot wound to the upper right chest. No weapon was located on Souza's person.

Following the shooting, Lake stayed at the scene and immediately called 911. On the 911 call, Lake requested assistance. He also admitted to shooting Souza.

An examination of the physical evidence present at the scene corroborated the events as recited by Lake. Additionally, portions of the event were captured on video surveillance from the Circle K store located at the intersection of Hartnell and Churn Creek. The video corroborates many of the facts detailed by Lake. It shows Souza crossing the road at the same time Lake's vehicle is proceeding down Hartnell Avenue. The video also shows Souza going toward Lake's vehicle and initiating a confrontation with him outside the driver's door window. During that confrontation, Souza appears to strike the window with his right hand. Following this, a muzzle flash from the firing of Lake's handgun can be seen. Souza is then seen stumbling toward the back of Lake's vehicle, where he then collapses onto the road. The confrontation while Lake's vehicle is in the turn lane lasted a total of approximately 7 seconds.

### **CALIFORNIA LAW REGARDING USE OF DEADLY FORCE IN SELF DEFENSE**

Under California law, a civilian has the right to protect himself under certain circumstances. In circumstances such as this case, when deadly force is used, a person may defend himself under all of the following circumstances:

1. He reasonably believes that he is in imminent danger of being killed or suffering great bodily injury

2. He reasonably believes that the immediate use of deadly force is necessary to defend against that danger
3. He used no more force than was reasonably necessary to defend against the danger

The general standard for any self-defense is that the actions taken by the person claiming self-defense must be reasonable under the circumstances. When determining what is reasonable, the situation is examined from the point of view of the person who used the force. This means one has to consider all of the circumstances as they appeared at the time. If, under all of those circumstances, the person's actions were reasonable, he acted in lawful self-defense and is not criminally liable for his actions. Put another way, the question to be answered is this: would a reasonable person in the position of the person who used deadly force have felt the need to defend himself? If the answer is yes, then the person acted in self-defense. Finally, a person who is legally entitled to act in self-defense is under no obligation to retreat, even if he is physically able to do so.

## **CONCLUSION**

In reaching our decision in this case, the responsibility of the District Attorney is to examine the facts of this case in light of the applicable law. There are several facts in the case that weigh in favor of Mr. Lake's reasonable fear for his safety. First, an angry confrontation was initiated by Souza by approaching Lake's vehicle while Lake was waiting to turn at the traffic signal. This confrontation was initiated by Souza changing his path of travel to intentionally make contact with Lake. Being approached in such a manner understandably caused Lake to be concerned for his safety. Souza then escalated the level of confrontation by striking the window with his hand. At the same time, he reached toward his waistband with his other hand. Faced with these circumstances, a reasonable person would believe that Souza was retrieving some sort of weapon and was planning on using it against Lake. Though Lake had no obligation to retreat, his efforts to do so were thwarted by mechanical issues with his vehicle. In light of the rapidly escalating series of events, Lake elected to fire his weapon once. This action tragically resulted in the death of Mr. Souza.

The role of the district attorney in this case is not to issue a statement approving or disapproving the actions of Mr. Lake. Rather, the law requires this office to determine whether a crime has been committed that can be proven beyond a reasonable doubt. In this case, the district attorney cannot meet this burden. Accordingly, no criminal charges will be filed against Mr. Lake.