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March 30, 2021

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FOR IMMEDIATE RELEASE

Approved by JAK
Press Release # 21-25

Re: Attempted Murder on Peace Officers Conviction: People v. Benjamin Avalos, MF013980A

Kern County District Attorney Cynthia Zimmer announced a significant trial conviction today in an attempted murder against a police officer case. In a case prosecuted by Deputy District Attorney Christine Antonios, a Kern County jury found Defendant Benjamin Avalos guilty of four counts of attempted murder on a peace officer with personal discharge of a firearm, four counts of assault on a peace officer, shooting at an inhabited dwelling, negligent discharge of a firearm, and resisting arrest. The jury announced its verdict on March 26, however, a separate court trial regarding Avalos' prior convictions was held on Tuesday, March 30, 2021. The result of the court trial has a substantial impact on Avalos' potential sentence.

On June 22, 2020, deputies and officers from the Kern County Sheriff's Department and the California Highway Patrol were dispatched to Rosamond, CA, responding to reports of an 'active shooter' situation in which Defendant Benjamin Avalos was firing a gun inside and outside a home in a residential neighborhood. Several residents on the street fled their homes and called 911 because they saw Avalos in the driveway of a residence firing multiple shots from a semi-automatic handgun.

As officers began approaching the scene using patrol cars as cover, they announced themselves to Avalos and ordered him to surrender. Instead of complying, the Defendant fired multiple rounds at responding officers. Law enforcement officers immediately took cover and then continued to make verbal orders for Avalos to surrender. Eventually, Avalos put down his firearm but continued to refuse orders and was hostile with law enforcement until one of the Kern County Sheriff Deputies deployed his department-issued Taser to successfully subdue and apprehend Avalos.

In total, the Defendant had fired 45 shots over the course of several hours, including both before and after law enforcement officials arrived. Avalos was arrested without substantial injuries. After the incident, and as the Defendant was being medically cleared, Avalos made his intentions clear to the Deputy transporting him, stating "If I ever see you motherf---s again, I'm going to shoot every one of you."

In a subsequent hearing before the court, the court also found true that Avalos had suffered a prior serious felony conviction for residential burglary arising out of New Mexico in 2015, a prior strike offense that may increase Avalos' ultimate sentence.

Commenting on the conviction, District Attorney Cynthia Zimmer stated, "Deputies and Officers in the field are tasked with protecting public safety, even when doing so puts them in mortal danger. Officers and Deputies who respond to violent threats to the community deserve not only our appreciation for their efforts to end violent situations, but also the protection that comes with a conviction and an appropriate sentence for those who attempt to murder them simply doing their jobs."

Sentencing is set for April 28, 2021 before Superior Court Judge David Zulfa. Defendant Avalos faces a potential sentence in excess of 200 years to life.

Benjamin Avalos:

