



## Multnomah County District Attorney's Office

### Prosecution Decline Memo

June 17, 2025

**Agency:** Portland Police Bureau

**Incident #:** 42 25-120014

**Referring Officer:** Det. William Winters  
Det. Sterling Farrar

**DA File #** 051-1097626

**DDA:** Andrew Wood

**Case Status:** Closed

**Unit:** Unit C

#### Memo:

#### Summary

On May 8, 2025, Manuel Garza violently attacked uniformed security guard Eric Salisbury in the parking lot of the Fanno Creek Medical Center. During the attack, Salisbury discharged his firearm once, struck Mr. Garza with a single bullet in the abdomen, and Mr. Garza subsequently passed away because of complications from the gunshot wound. Detective Farrar and Detective Winters of the Portland Police Bureau investigated the case and determined that Salisbury's actions were justified. Deputy District Attorney Andrew Wood reviewed the investigation and agrees that Salisbury's use of force was justified under Oregon law and therefore not criminal.

The reader is referred to the reports for a full account of the investigation. The following is a summary of the relevant facts and applicable law.

#### Facts

On May 8, 2025, at about 11:50 AM, Manuel Garza drove into the Jewish Community Center and Preschool located at 6612 SW Capitol Hwy, Portland. Eric Salisbury was working as a uniformed armed security guard at this location. Garza continued through the lot, came back and drove through again at an unsafe speed, almost striking Salisbury. Salisbury then followed Garza into the neighboring parking lot at the Fanno Creek Medical Clinic, which is located next to the Jewish Community Center and Preschool.

Within the medical clinic lot, Garza was maneuvering his car when he noticed that Salisbury had walked over into the parking lot of the clinic. Garza exited his car, charged at Salisbury, and Garza forcefully knocked Salisbury to the ground. Salisbury was wearing a body worn camera during his shift, which captured the entire interaction between Salisbury and Garza. Body worn camera footage shows that during the attack, Salisbury was on the ground and pinned on his back, with Garza on top of him, while Garza was strangling Salisbury. Garza maintained a dominant position on Salisbury as Garza continued his assault. Salisbury told Garza that he would shoot Garza, and Garza responded by screaming, "shoot me" and he continued to furiously attack Salisbury. Salisbury was threatened by Garza who was visibly enraged and yelled the following at Salisbury: "You're powerless bitch, what the fuck are you gonna do!"

A witness from the medical facility was near the attack sitting in her car as she ate her lunch. The witness told police that she heard Garza yell loudly and then saw Garza attack Salisbury. She saw Garza knock Salisbury's glasses and earpiece off his face as they went to the ground. The witness ran inside out of fear that Garza would get away from Salisbury and go towards her. No other witnesses to the incident were identified or other sources of video found that captured Garza's attack on Salisbury, besides Salisbury's body worn camera.

The body worn camera further showed that as Garza had Salisbury pinned on the ground, Salisbury attempted to fight back. Salisbury grabbed hold of Garza's throat at brief moments during the attack, but Garza was able to swipe Salisbury's arms away and maintain control on top of Salisbury. Garza was on top of Salisbury and Garza had one arm extended toward Salisbury's throat, when Salisbury drew his firearm.

Garza was still physically strangling Salisbury at the time of the gunshot, with the following circumstances of note: 1- Garza was on top of Salisbury and Salisbury was on the ground, 2- Salisbury was on his back, 3- Salisbury had given a force warning that he would shoot Garza, 4- Garza had disregarded the force warning, 5- Garza had continued to yell and was visibly enraged as he continued to attack Salisbury, 6-Garza appeared to have one arm extended toward Salisbury's

throat, holding Salisbury down, and 7- Salisbury's gun was drawn and clearly able to be seen by Garza after a force warning had been given. Salisbury fired his gun one time into Garza's abdomen, and then rolled Garza off of him. Salisbury can be heard wheezing as he immediately walked to the clinic to ask for medical help for Garza, and then proceeded to call 911.

Portland Police officers responded to the scene shortly after the 911 call had been placed. Detective Farrar recovered one spent 9 mm casing from the scene. Salisbury remained on scene, cooperated with the investigation, and provided his body worn camera footage to the police. Detectives interviewed Salisbury, who had injuries to his arms, legs, head and neck from the encounter. Salisbury's statements to detectives were consistent with the footage of the incident captured on Salisbury's body worn camera. Salisbury stated that during the attack Garza slammed him to the ground and he felt dazed. Salisbury stated that Garza then strangled him on the ground and he felt helpless as he was being choked. Due to the fact Garza had Salisbury pinned down on his back, Salisbury said he could not access his pepper spray located on his back side. Salisbury provided a force warning to Garza with no effect, as Garza kept choking Salisbury. Salisbury told detectives that he feared he was going to be killed by Garza when he fired.

### **Law**

Under Oregon Revised Statute (ORS) 161.195, conduct which would otherwise constitute an offense is justifiable and not criminal when it is authorized by law. ORS 161.209 establishes that a person is justified in using physical force upon another person to defend himself from what the person reasonably believes to be the use or imminent use of unlawful physical force, and the person may use a degree of force which the person reasonably believes to be necessary for the purpose.

In conjunction with the requirements of ORS 161.209, ORS 161.219 limits the use of deadly physical force in self-defense to a situation in which a person reasonably believes another person is committing or attempting to commit a felony involving the use or threatened imminent use of physical force against the person, or using or about to use unlawful deadly physical force against the person.

### **Analysis**

In this case, Salisbury was working as a uniformed armed security guard when Garza drove through the parking lot of the Jewish Community Center and Pre-School, almost striking Salisbury. Salisbury walked over to the parking lot of the medical clinic as Garza was maneuvering his car. Garza exited his vehicle, immediately began yelling at Salisbury, and charged at Salisbury, tackling him to the ground. During the attack, Garza maintained a dominant physical position over Salisbury, as he strangled Salisbury and pinned Salisbury to the ground on his back. Salisbury told Garza that he would use deadly force if Garza did not stop. Garza disregarded this advisement, became more enraged, and elevated the intensity of his attack on Salisbury. Garza was visibly enraged as he yelled profanities and strangled Salisbury on the ground. Salisbury could not access any other weapon to defend himself. Believing Garza was going to kill him, and being otherwise unable to stop him, Salisbury fired one time into Garza's abdomen. Once Garza stopped the attack, no further force was used by Salisbury. Salisbury immediately sought medical aid for Garza.

Under these circumstances, it was objectively reasonable for Salisbury to believe Garza was about to kill him, or at least that a felony involving the use of physical force was about to occur. Salisbury had no lesser degree of force available to him to stop the threat Garza presented, due to the fact that Garza had Salisbury pinned on his back. Salisbury fired one time and stopped when Garza relented after the shot, then Salisbury immediately sought out medical aid for Garza. As such, Mr. Salisbury's use of deadly physical force against Mr. Garza was justified and not criminal under Oregon law.